

Agency Information

AGENCY : SSCIA
RECORD NUMBER : 157-10014-10141

RECORD SERIES : MISCELLANEOUS RECORDS OF THE CHURCH COMMITTEE

AGENCY FILE NUMBER : 07-M-46

Document Information

ORIGINATOR : SSCIA
FROM :
TO :

TITLE : PRELIMINARY REPORT OF INVESTIGATION INTO THE ASSASSINATION OF PRESIDENT
KENNEDY

DATE : 02/20/1976
PAGES : 117

SUBJECTS :
SSCSGO, REPORT
KENNEDY, JOHN, ASSASSINATION

DOCUMENT TYPE : REPORT
CLASSIFICATION : Declassified
RESTRICTIONS : 1B; 1C
CURRENT STATUS : Redact
DATE OF LAST REVIEW : 03/21/2000

OPENING CRITERIA :

COMMENTS : CCBOX 353

JFK ASSASSINATION SYSTEM
IDENTIFICATION FORM

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DOCUMENT TYPE : REPORT
CLASSIFICATION : TOP SECRET
RESTRICTIONS : REFERRED
CURRENT STATUS : POSTPONED IN FULL
DATE OF LAST REVIEW : 01/05/99
OPENING CRITERIA :
COMMENTS : CCBOX 353

[R] - ITEM IS RESTRICTED

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Cy 1 of 4MEMORANDUM

TO : Senator Schweiker and Senator Hart (Colorado)

FROM : Select Committee Staff

DATE : February 20, 1976

SUBJECT: Preliminary Report of Investigation into the Assassination of President Kennedy

The purpose of this report is to provide you with a comprehensive summary of the significant evidence developed in the course of this investigation, together with the staff's analysis of that evidence. Since the staff desired to give you the opportunity to begin reviewing this report, certain sections are not yet in this booklet. For example, reports on various allegations of CIA connections with persons involved in the Garrison investigation are not finished. Likewise, the report on the FBI's role in the investigation is incomplete, but should be ready on Monday.

This booklet is a narrative of the evidence we have developed. It is divided into sections, marked by Tabs, in accordance with the attached Table of Contents. There are only three copies of this booklet and each has been registered with the Committee's document custodian because of the extremely sensitive material contained in it.

In addition to this report, the staff has prepared three booklets of documents generated by its investigation. These are maintained in only one copy. Two booklets -- one for FBI and one for CIA -- contain the documents designated in this report as TAB . We did not feel it was necessary for you to examine these documents since they are summarized in the narrative portion of this report; however, the booklets of documents are available at your request.

The fourth booklet contains a copy of all requests to the agencies, together with their responses. It serves as a record of the course and nature of the investigation. It, too, is available at your request.

Finally, you should be aware of the fact that the staff investigation is continuing. Several very significant requests have not yet been met by the agencies. However, rather than delay this report by waiting for these documents, the staff will supplement this report if new information is developed.

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PRELIMINARY REPORT: INVESTIGATION OF ASSASSINATION
OF PRESIDENT KENNEDY

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INTRODUCTION

Although a good deal of the evidentiary record compiled to date is well known to you by virtue of your extensive participation in the interviews and executive session testimony, the staff has admittedly been somewhat derelict in providing the detailed information developed pursuant to our review of classified Agency materials. In partial justification, we wanted to first ourselves wade through the factual morass that has engulfed the Warren Commission's report over the past twelve years. The instant report treats in summary fashion all aspects of the investigatory course pursued by the subcommittee staff over the past three months and sets forth the findings, albeit tentative, that can be drawn from the evidence reviewed.

Since early June, Dan Dwyer and Ed Greissing devoted a considerable amount of time to Warren Commission-related matters. Paul Wallach began work in this area in late October; Jim Johnston and Tom Dawson (part-time) began in late November. The subcommittee's staff -- which has functioned as an autonomous unit within the Committee -- has never been more than two counsel -- Jim and Paul -- and three members of the research staff.

By early November, it became apparent that we had to restructure and restrict our inquiry to allow for limitations of (1) time; (2) staff, and; (3) investigative expertise. The factual complexity of the issues involved precluded our undertaking anything resem-

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bling a thorough review of the Commission's findings and conclusions; a process that would require us to construct and substitute findings and conclusions where we found the Commission's deficient.* Indeed, we estimate that just to review and categorize the relevant Agency materials would take us from six months to a year.

The Warren Commission relied almost entirely upon the intelligence community, and, in particular, the FBI, as the provider of facts upon which the Commission based its finding and conclusions. The Select Committee's "intelligence expertise" combined with its established access to Agency personnel and materials suggested a preliminary inquiry designed to determine (1) whether evidence was not provided to the Commission, and; (2) whether the intelligence Agency's assassination investigation was deficient -- an inquiry well within the letter and spirit of S. Res. 21.

In mid-November, we sought and received your approval to conduct such an inquiry. However, it soon became apparent that our limited resources precluded even a preliminary examination of all possible substantive areas in which disclosure or investigative deficiencies might have occurred. Our knowledge of certain

* It is, in any event, doubtful whether, under S. Res. 21, we would have the authority to conduct a "full-scale" review of the Warren Commission's findings and conclusions, even if we had the resources to do it.

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intelligence Agency attitudes -- such as the demonstrated reluctance to disclose information obtained from sensitive operations, informants, sources, or techniques (whether legal or illegal) -- suggested certain areas where deficiencies were more likely to have occurred. It is to these areas, and to the areas identified by allegations publicly advanced over the past twelve years, that the staff has directed its efforts.

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I. GENERAL SUMMARIES: REVIEW OF CLASSIFIED AGENCY AND WARREN
COMMISSION MATERIALS

(A) FBI

The FBI has an extensive and efficient data retrieval system. Each filed document is indexed and serialized. An abstract of every document is prepared and filed separately by author and subject. The system ensures that it is virtually impossible to destroy the record of a document's existence once that document has been filed. However, the Committee is not itself allowed to use this data retrieval system; we have been required to make requests to the FBI and rely upon a good faith compliance. Thus, gaining access to FBI materials has always been for the Committee a tedious and time consuming project. It became even more difficult after the Committee announced an expiration date of February 29, 1976.

Unlike the CIA, the Bureau refused to make their Oswald and assassination investigation files available en toto for our review. This necessitated a series of lengthy Committee document requests.

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One copy of each of these requests has been included in the separate book forwarded herewith for your review.

In addition to the standard FBI multilayered screening and approval process for Committee document requests (which informs the Bureau as to the areas into which we are inquiring), the latest "procedural technique" adopted by the Bureau is worth mentioning: viz., the Bureau's refusal to even begin gathering documents pursuant to our requests until they receive a copy of our request from the Justice Department. This would not be especially noteworthy, except for the Bureau's earlier suggestion that we copy them on all of our requests to expedite the process, and their subsequent failure to inform the Committee's Justice liaison -- who under the established procedure correctly saw no reason to forward our requests to the Bureau with all deliberate speed -- of the changed procedure.

Eventually, documents have come forth from the Bureau for our review. We have been able to somewhat expedite our review by initially examining abstracts of correspondence and memoranda rather than the documents themselves, and, subsequently, selecting certain materials to be reviewed in their entirety. However, even the use of abstracts has not allowed us to even familiarize ourselves with FBI materials in other than the few areas to which we decided to direct our attention. Our inability to review even the relevant

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FBI documentary record in its entirety should be factored into our conclusions and recommendations.

(B) CIA

At the inception of our inquiry the CIA gave us access to the voluminous Oswald "201" file -- which the Agency represented as including all CIA materials on the assassination "investigation." Based upon the Agency's demonstrated reluctance to provide the Committee with any materials in other areas, its response here was unique. However, certain types of documents relevant to the assassination -- such as internal memoranda pertaining to the Warren Commission or memoranda prepared by either Mr. McCone or Mr. Helms -- are not in these files. Our review of the file also revealed the absence of any 1963 or 1964 memorandums that even touched on the CIA's Castro assassination attempts or the activities of anti-Castro groups.

The sheer size of the files precluded our adequately reviewing all materials contained therein. Jim Johnston's memorandum of January 5, 1976, discusses those areas in which we concentrated our CIA document review in November and December. Our more recent efforts are summarized below. Once the staff familiarized itself with the available materials, it then began seeking out files that had not been provided. The first such files pertained to the 1967 Garrison investigation. We also sought to review -- and were only

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allowed access after an unexplained lengthy delay -- the AMLASH file, and we are, at present, attempting to gain access to files containing relevant memoranda of Mr. McCone; -- files reviewed by the staff of the Rockefeller Commission, which noted certain memoranda were "missing" or "destroyed."

(C) SECRET SERVICE

The Secret Service -- unlike the CIA and the FBI -- is not an intelligence agency. It is charged with protecting certain government officials; (most notably, the President), visiting dignitaries and Presidential candidates. The Service's protective research files contain information only on persons who are presently regarded as potential threats to the safety of the protected individuals. Thus, with the exception of the limited number of documents pertaining to that Agency's limited participation in the assassination investigation, there is literally nothing of interest to us in its files.

We have completed our review of what the Secret Service has assured us were all the materials they have pertaining to the assassination, the subsequent investigation, and the Warren Commission. Aside from reports dealing with Presidential protection and the actions of individual agents in Dallas on November 22, 1963, these materials have primarily served to supplement FBI reports. They do, additionally, reflect the Service's limited role in the assassination investigation and reveal specific in-

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stances where the Service's investigation was turned off at the Bureau's request.*

It is worth briefly noting that the Secret Service did not have certain documents one would expect them to have. For example, there were neither materials pertaining to Warren Commission proceedings as such, nor memoranda reflecting internal meetings or discussions relating to Warren Commission testimony by Secret Service personnel. Additionally, although FBI documents make reference to Warren Commission related meetings attended by Secret Service representatives, the Service's files contain no documents which even refer to these meetings. It is also surprising that there is no formal report of the Service's forty-five minute interview of Marina Oswald on November 23, 1963 -- the first post assassination interview of Marina by any Federal agency.

The "absence" of materials is not, in itself, sufficient to give rise to the inference that documents were destroyed or not provided to the Committee. It is of concern, however, and we have requested a written response from the Service assuring us that the materials we have seen are all they ever had, along with the

* As you are aware, President Johnson, on November 25, 1963, directed the Bureau to conduct the investigation of the assassination.

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names of the persons within the Service upon whose statements this assurance is based.

Immigration and Naturalization Service.

We have completed our review of I & NS generated materials on Lee and Marina Oswald. Invoking the third agency rules, I & NS refused to allow us to examine FBI documents. However, they did provide us with a listing of these FBI materials, a list which appeared to include certain pre assassination Oswald documents we had not as yet seen. Subsequent review at the Bureau revealed that the listed FBI documents were merely the field reports that had been fully incorporated in the investigative reports that had been made available to us.

NSA and the Military Intelligence Agencies.

Jim Johnston's memorandum of January 6, 1976, details our review of the military intelligence and NSA materials through December 1975. That memorandum concluded further investigation of military intelligence did not seem productive.

NSA maintains that it has no materials pertaining to Oswald, the assassination, or the cast of characters (American, Soviet, and Cuban) that we have identified during our inquiry aside from the few relatively unimportant documents for which they originally provided us with a copy. NSA has further informed us that it, unlike all other intelligence agencies, has no existing file on

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Oswald or the assassination.

The staff interviewed Dr. Tordella, who was Deputy Director of NSA in 1963. He stated NSA had no significant information relating to the assassination. Mr. Angleton confirmed Dr. Tordella's statements, so the staff decided further investigation of NSA would not be productive.

State Department

We have reviewed selected materials in State Department files pertaining to Lee Harvey Oswald and Marina Oswald. Most of these documents in State's files were generated elsewhere. The State Department generated materials relate to: (1) Oswald's applications for passports; (2) Oswald's defection to and return from the Soviet Union; and (3) Marina Oswald's admission to the United States.

There are significant questions raised by the State Department's handling of the Oswalds. For example, with a "stop" on Lee's passport file after his defection, Department procedures should have precluded the automatic reissuance of the passport Oswald subsequently sought for his September 1963 trip to Mexico City. Other questions surround State's decision to allow the Oswalds to return from the Soviet Union (and even finance the trip) after Oswald's announced defection. However, unless we can find the fingerprints of the intelligence community on State's decisional processes these interesting questions relate solely to internal State Department

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procedures. Our investigation has not uncovered any evidence which suggests that Oswald received preferential treatment or that there was any impropriety in the handling of his case. Indeed, the classified documents reveal that Oswald applied to return during a period in which the Department was attempting to foster good relations with the Soviet Union.

Warren Commission

An understanding of the information that was made available to the Commission is a prerequisite to any determination that evidence was withheld. Although our limited resources precluded a review of Commission materials in their entirety, we have attempted to identify what materials were provided to the Commission in certain areas, and to review completely the materials so identified. We have also reviewed regardless of subject area, the ninety classified numbered Commission documents and the ninety-five classified unnumbered Commission documents presently stored at the National Archives.

Of the ninety numbered Commission documents, nineteen are CIA generated, sixty-three are the FBI's and eight are the Department of State's. The CIA generated documents include a chronology of Oswald's stay in the Soviet Union, miscellaneous information relating to Oswald's activities in Mexico City, personal background information on George DeMohrenschildt and information pertaining to Soviet and Cuban intelligence agency activities. The FBI ..

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materials include personal background information on Michael and Ruth Paine and Mark Lane, investigative reports on Oswald's visit to Mexico City, and extensive background information on Cuban groups. The Department of State documents include reports on alleged assassination attempts of world leaders and cable traffic from the American Embassies in Moscow and Mexico City.

The thirty-three unnumbered documents classified by the CIA and the Warren Commission are either letters and memoranda between the CIA or internal Warren Commission memoranda containing national security information. More specifically, these documents contain records of conversations between Warren Commission staffers and CIA personnel about administrative and substantive issues; memoranda of the Commission about CIA information on Oswald's stay in the Soviet Union and his trip to Mexico City; information pertaining to the Soviet defector, Nossenko; draft reports of the Warren Commission on the possibility of a foreign conspiracy; a memorandum by Warren Commission staffers on their visit to Mexico City; and, letters to the Soviet and Cuban Governments asking for information on Oswald. Included in the thirty-nine classified unnumbered FBI documents are investigative reports from Mexico and personal information concerning Mark Lane and Marina Oswald. The twenty-three classified unnumbered Department of State documents include correspondence between the Warren Commission and the Department of State concerning Oswald's defection to the Soviet

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Union and his return to the United States, and the Department's requests to the Soviet and Cuban Governments for materials relating to Oswald.

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THE BUREAU'S PRE-ASSASSINATION OSWALD FILE

A. Oswald's Defection

The Bureau opened a file [Bufile No. 105-82555] on Lee Harvey Oswald on October 31, 1959, some three weeks subsequent to his departure for the Soviet Union. Apparently the opening was based upon a Washington news ticker advising that Oswald was in Moscow, that he had applied to renounce his American citizenship and become a Soviet citizen for "purely political reasons," and that "he would never return to the United States for any reason." Subsequently, the Bureau received a copy of a State Department telegram and a copy of an Oswald note which confirmed the news ticker and additionally noted that ex-Marine Oswald "has offered Soviets any information he has acquired as an enlisted radar operator."

The Bureau then proceeded to review Oswald's record at U.S. Marine Corps headquarters. These records revealed that Oswald had entered the Marine Corps on October 24, 1956, to serve three years. While in the service, Oswald attended the Aviation Fundamental School and completed the Aircraft and Control and Warning Operators' Course. However, there was no record of a security clearance. The Bureau's stated conclusion was that:

Since subject's defection is known to Department of the Navy, and since subject apparently has no knowledge of any strategic information which would be of benefit to the Soviets, it does not appear that any action is warranted by the Bureau in this matter.

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It is recommended, however, that this memo be referred to the Identification Division so subject's service fingerprints can be placed in the criminal files and that a stop be placed against the prints to prevent subject's entering the U.S. under any name. Espionage Section should be advised if subject again enters the U.S.

On May 12, 1960, SA John Fain interviewed Oswald's mother in Dallas, Texas. She had recently received a letter addressed to Lee from the Albert Schweitzer College in Switzerland, indicating that Lee was expected at the college on April 20, 1960. Mrs. Oswald furnished SA Fain with a photograph of Lee and informed him that her son had taken his birth certificate with him. By memorandum, dated June 3, 1960, the Bureau expressed to the State Department its concern over the possibility that an imposter could be using Oswald's birth certificate, and requested all State information on Oswald.

Inquiries by the FBI's Paris Legal Attache revealed that Oswald had by letter, dated March 19, 1959, written the college announcing his intention to begin studies there in the fall of 1959, and that Oswald had paid the \$25 deposit. However, there was no record of Oswald ever having attended the school.

On May 9, 1961, the Bureau's review of State's passport files on Oswald revealed that:

(a) On 2/13/61, the U.S. Embassy in Moscow received an undated letter from Oswald postmarked Minsk 2/5/61, indicating that he wished to return to the U.S. if legal proceedings were not brought against him. Oswald explained that he could not leave Minsk without permission and therefore was writing instead of visiting.

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(b) On 3/20/61, the embassy received a second Oswald letter postmarked Minsk, 3/5/61. Oswald requested a questionnaire again explaining that he could not come to Minsk.

A subsequent review of State's files on 8/22/61, indicated that:

(a) by letter, dated May, 1961, Oswald advised Embassy that he had no intention of returning unless guarantee of no prosecution. He also advised that he had married a Russian girl, and that he wanted to return with her.

(b) On 7/8/61, Oswald appeared at the American Embassy in Moscow with respect to his desire to return now.

(c) On 7/10/61, Oswald executed an application for passport renewal at the American Embassy.

(d) By memorandum dated 8/18/61, the State Department authorized the American Embassy in Moscow to renew Oswald's passport for direct travel to the U.S.

Additional Bureau review of State's passport files on 1/29/62, revealed that:

(1) By letter to Embassy, dated 7/15/61, Oswald advised that he was continuing his efforts to obtain exit visas for his wife and himself.

(2) By letter, dated 8/8/61, Oswald inquired if it would be permissible for him to travel through Poland by train after leaving Minsk, pointing out that he could not afford to fly from Moscow to New York City.

(3) By letter dated 10/4/61, Oswald asked Embassy to assist him in obtaining exit visas from Soviet authorities.

(4) By letter, dated 1/5/62, Oswald informed Embassy that he expected to receive exit visas within forty five days. (NOTE: Embassy had been notified by Soviet Ministry of Foreign Affairs that visas granted).

B. Oswald's Return to the United States

By airtel, on May 31, 1962, the Bureau instructed its

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Dallas Field office that they should interview Oswald upon his return and specifically attempt to ascertain whether he was recruited by Soviet Intelligence, whether he made any deals with the Soviets in order to obtain permission to return to the United States, and exactly what information he furnished to the Soviets. The headquarters supervisor noted that if any doubt existed as to Oswald's truthfulness, the agent should "consider requesting his consent to a polygraph examination and thereafter obtain bureau authority for such an examination."

On June 22, 1962, INS confirmed that Oswald's family returned to the United States via Hoboken, New Jersey, on June 13, 1962, and that INS Inspector Frederick Wiedershiem interviewed Oswald at that time. Wiedershiem advised the Bureau that Oswald had been employed as a mechanic in Russia, had threatened to renounce his United States citizenship, but never carried through with the threat and had never voted in Russia.

On June 26, 1962, SA John Fain interviewed Oswald in Fort Worth, Texas. Fain reported that Oswald was "very difficult to interview," "cold and arrogant," and "on the whole was generally uncooperative." Indeed, Fain was also aware that Oswald had blatantly lied to him as follows:

- (a) Oswald denied ever having stated that he was going to renounce his American citizenship and apply for Soviet citizenship;
- (b) Oswald denied having taken his birth certificate with him;
- (c) Oswald denied ever mentioning that he would reveal radar secrets to the Soviets.

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asked Oswald whether or not he would be willing to submit to a polygraph examination as to answers given by him during the interview. Oswald refused, and subsequently also refused Fain's request to take a polygraph as to "his negative answers to the questions as to whether or not he had been services or furnished any information to the Soviets or whether he had made any deals with the Soviets in order to obtain permission to return to the United States." Fain indicated on the memorandum that Oswald would be reinterviewed.

A memorandum, dated July 25, 1962, prepared by a Dallas Supervisor, reveals that under the SOBIR program a file had been opened by the Dallas office on Marina Oswald. The Supervisor opened the case on a pending inactive status -- with suggested review in six months -- for the following reasons:

"The case on LEE HARVEY OSWALD is in pending status and he is to be reinterviewed. It is not believed any active investigation of his wife or interview of her under the OSBIR program is logical or advisable at this time. It is felt that her activities can be sufficiently followed at this time in connection with the case on her husband. It is noted there are no subversive references on any member of the husband's family, and, under present circumstances, she will be closely and intimately associated with them."

Oswald was, in fact, reinterviewed by Agent Fain on August 16, 1962. Oswald then told Fain that he had recently advised the Soviet Embassy of his wife's current address, as

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required by Soviet law. Oswald again lied to Fain, and was this time only a bit less arrogant and uncooperative. By report, dated August 30, 1962, SA Fain closed the Oswald case.

C. The Continued Investigation - Dallas

On September 28, 1962, the FBI's New York field office learned that Oswald had subscribed to "The Worker" an East Coast communist newspaper. Agent James P. Hosty had been assigned the pending inactive Marina Oswald case on October 23, 1962, some five months prior to its status review. On March 3, 1963, Hosty ascertained through a review of IN&S records that Marina was living at an Elsbeth Street address in the Oak Cliff section of Dallas. On March 11, 1963, Hosty was informed by the Oswalds' landlady that she had evicted them on March 3, 1963, for fighting, and his drinking. Hosty was able to determine from postal authorities that the Oswald's had moved to Neely Street; he verified this address by checking the names on the mailbox. Hosty subsequently reviewed the file on Lee Harvey Oswald and -- after noting that Oswald had subscribed to the Daily Worker -- requested, on March 25, 1963, that the Bureau reopen the case. Hosty also requested and received permission to interview Oswald's wife. Lee Oswald's case was reopened on March 26, 1963.

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On April 21, 1963, a confidential informant advised the Dallas office that Oswald was in contact with the Fair Play for Cuba Committee in New York City, at which time he advised that he passed out pamphlets for the FPCC with a placard around his neck reading, "Hands Off Cuba, Viva Fidel." Subsequent investigation, on May 27, 1963, revealed, however, that the Oswalds had moved from their last known Dallas address, and had given no forwarding address from that residence to the Post Office.

D. Continued Investigation - New Orleans

By letter, dated July 17, 1963, the FBI's New Orleans field office informed the Dallas office that they had received information that the Oswald's were living in New Orleans. This information was apparently provided by the New York Office and gleaned from a mail cover on the FPCC. At Dallas' request, the New Orleans office, on August 13, 1963, verified the Oswald's presence in that city. On September 10, 1963, the office of origin for both Lee's and Marina's cases were changed from Dallas to New Orleans.

In the interim, Oswald had been arrested in New Orleans and charged with "disturbing the peace by creating a scene." More specifically, while distributing FPCC literature, on August 9, 1963, Oswald had been involved in a "fight" with three anti-Castro Cubans. On the morning of Saturday, August 10th, Oswald asked to see a Bureau agent, and he was interviewed in

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jail, at length, by SA Quigley. It is interesting to note that Oswald also repeatedly lied to this FBI agent, including a statement that he met and married his wife in Fort Worth, Texas.

On August 22, 1963, the New Orleans office was provided with a copy of the transcript of an August 21 broadcast of a radio program called "Conversation Carte Blanche" in which Oswald had participated. During the program, Oswald stated that the FPCC was not Communist-controlled and that he is a Marxist. On August 30, 1963, Station Manager Bill Stucky told SA Kaack (Oswald's case agent in New Orleans) that after the broadcast, Oswald told him that "the Russians had 'gone soft' on Communism, and that Cuba is the only real revolutionary country in the world today."

On August 23, 1963, the New Orleans Office received a headquarters airtel instructing that office to: "ascertain facts concerning subject' distribution of above-mentioned pamphlet including nature of pamphlet following which contact should be made with established sources familiar with Cuban activities in the New Orleans area to determine whether subject involved in activities inimical to the internal security of the U.S. Submit results in letterhead memorandum form suitable for dissemination with appropriate recommendation as to further action."

On September 24, 1963, the New Orleans SAC informed the Bureau that: "Investigation of Oswald is continuing, and a report containing the results thereof will be furnished to

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the Bureau together with the recommendation of the New Orleans office concerning further action concerning Oswald."

The subsequent New Orleans' investigation of Oswald is set forth in SA Kaack's October 31, 1963 investigative report encompassing the period July 23, 1963, through October 10, 1963. The report recounts Oswald's FPCC activities, his arrest and subsequent interview, his letters to the FPCC, and The Worker in New York, and that four low level Cuban informants advised they had no information pertaining to Oswald and that the Oswald's had moved from New Orleans on or about September 25, 1963.

The Oswald's landlord had told the agents that the "same Russian speaking woman that had brought Marina to New Orleans had picked up Marina and her child in a station wagon with Texas license plates. Leads were sent out to Fort Worth (to attempt to identify the woman and locate Marina), to Dallas (to attempt to identify the woman and conduct neighborhood investigation at the Oswald's last known residence), and to Malvern, Arkansas (to interview Lee's brother to see if he had any information on the Oswald's whereabouts). Additionally, it was stated that New Orleans would "continue its efforts to locate subjects."

On October 10, 1963, Bureau headquarters through CIA liaison was provided with a copy of an Agency cable which stated that "Lee Henry Oswald" had been in contact with the Soviet Embassy in Mexico City. Further details of Oswald's contact;

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including his meeting with vice counsel Kostikov, were provided in an October 19, 1963, cablegram from the Bureau's Legal Attache in Mexico City to Bureau headquarters. Legat also then advised that it was attempting to establish Oswald's entry into Mexico and his current whereabouts. Copies of these communications were sent to the New Orleans office which eventually forwarded copies on to the Dallas office.

On October 18, 1963, SA Hosty -- following up on the New Orleans office's request to locate Oswald -- reviewed files at IN&S. Although SA Hosty was not able to find a new address for the Oswalds, he did learn from an IN&S agent of the CIA communication indicating that Oswald had contacted the Soviet Embassy in Mexico City.

On October 22, 1963, the Bureau cabled the Mexico City Legat that certain background information on Oswald was simultaneously being sent to Legat by pouch. Headquarters also advised that "Lee Henry Oswald" was apparently identical with "Lee Harvey Oswald".

On October 25, 1963, the New Orleans office learned that Oswald had left a forwarding address in New Orleans on September 26, 1963, showing his new address to be 2515 West 5th Street, Irving, Texas. It asked the Dallas office to verify that this was Oswald's residence.

E. Continued Investigation: Dallas

On October 30, 1963, SA Hosty, through a neighborhood pretext interview learned that Marina Oswald was living at the 5th Street address with a Mrs. Michael R. Paine. Hosty

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also learned that although Oswald had visited his family at the Paine residence, he was not living there. He so informed the New Orleans office on October 31, 1963, noting that efforts to locate Oswald should be continued.

Hosty then reviewed Bureau indices and checked with the Paine's employers to "ensure that there were no subversive references." On November 1, 1963, he proceeded to the Paine residence to interview Mrs. Paine. Although Mrs. Paine claimed she did not know Oswald's home address, she did know he was employed at the Texas School Book depository in Dallas. Toward the end of the interview Mrs. Oswald entered the room; however, Hosty, reported that he merely exchanged greetings with her. Hosty left his name and office telephone number with Mrs. Paine, requesting that she contact him if she learned of Oswald's address.

On November 2, 1963, Hosty by telephone verified Oswald's employment at the Book depository. The other field offices were so notified and instructed to discontinue efforts to locate Oswald. However, Hosty was not able to verify Oswald's residence; the Book Depository had it listed as the Paine's address. He returned to the Paine address again on November 5, 1963. Although Oswald had visited his family again on November 2, Mrs. Paine could provide nothing further as to an address; however, she did say that Oswald was "an illogical person and an admitted Trotyskite Communist."

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By memorandum dated November 15, 1963, the office of origin for the Oswald cases was changed back to Dallas.

On November 19, 1963, the Washington Field Office informed FBI headquarters that Oswald:

has recently been in contact with Consular Office, Soviet Embassy, Washington, D.C., at which time he related he had recently met with Comrade KOSTIN, Soviet Embassy, Mexico City, Mexico. At this time OSWALD indicated to Soviet Embassy that he was unable to remain in Mexico because of Mexican visa restriction of 15 days and that he could not request a new visa unless he used his real name.

According to informant, OSWALD had originally intended to visit Soviet Embassy in Havana, Cuba, where he could have had time to complete his business but could not reach Cuba.

The informant stated that OSWALD is married to MARINA NICHILAYEVA OSWALD, a Soviet citizen, and has a new daughter, AUDREY MARINA OSWALD, born 10/20/63, Dallas, Texas. OSWALD's address is known to informant as Box 6225, Dallas, Texas.

This information was received in Dallas on November 22, 1963.

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CIA's Pre-Assassination Files on Oswald

CIA's information on Oswald was not collected in one office or file prior to the assassination of President Kennedy. Instead, information was located in the Western Hemisphere Division, the Counterintelligence Division, in CIA's "201" file on Oswald, and in other offices.

The CIA's 201 files are computer-indexed files on individuals about whom the CIA has received information. Documents in Oswald's 201 file, therefore, are merely those received by CIA and retrievable through a computerized name check.

On November 22, 1963, Oswald's 201 file contained five documents: an ONI memorandum of May 1, 1962, advising CIA of Oswald's request to have his undesirable discharge changed; the State Department's Foreign Service dispatches of May 26, 1961, and October 12, 1961, discussing Oswald's citizenship and passport status; and FBI investigative reports by Special Agent John Fain, dated July 3, 1961, summarizing interviews of Oswald's mother and brother, and August 30, 1962, summarizing the second FBI interview of Oswald after his return from the Soviet Union.

Two other FBI reports on Oswald were not in the 201 file. One was an FBI report by Fain dated May 12, 1960, which, according to Mr. Elder's January 23, 1976, letter to the Select Committee, was filed in another file unrelated to the Oswald 201. The second was an FBI report by Special Agent Milton Kaack of October 31, 1963, giving information on Oswald's background, his arrest in New Orleans, and his move

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from New Orleans. As discussed in detail infra, the Kaack report was first routed to the Counterintelligence section of the Special Affairs Staff, then to the Counterintelligence Division in November 1963.

Five messages related to Oswald's visit to Mexico City in September and October 1963 were in the Western Hemisphere Division files on November 22, 1963. The information contained in these messages had not, as of that date, been incorporated in Oswald's 201 file.

CIA's mail intercept program intercepted one letter which Oswald had written while in Russia. That letter had not been put in his 201 file.

Finally, a message from CIA's WAVE station in Miami indicates that its sources had limited information on Oswald prior to the assassination. This information and its significance is discussed infra. CIA recently informed the Select Committee that this information probably did not come from files held at the WAVE station, but from files of Cuban exile groups connected with CIA. Technically, therefore, this information was not in CIA's files on Oswald prior to the assassination.

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Discussion: Availability of Pre-Assassination FBI
Oswald Documents to the Warren Commission

By letter, dated May 4, 1964, J. Edgar Hoover listed and summarily described for the Warren Commission each of the sixty-nine items that made up the Bureau's headquarters file on Lee Harvey Oswald prior to the assassination. Although certain summaries in the letter are misleading, we have not found any indication that there were other than these sixty-nine documents in the headquarters FBI Oswald file. Nor have we found any indication that there were other than the usual underlying reports in the FBI field office files. Still outstanding, however, is our request for materials in Oswald's Washington, D.C. field office file at any time on or before November 22, 1963. The staff believes that a review of this file will allow for the resolution of certain outstanding questions pertaining to the interception of Oswald's letters to the Soviet Embassy.

Although only portions of the sixty-nine documents were received by the Warren Commission, they were offered the opportunity to review all of them.* As the testimony set forth below reveals, on May 6, 1964, Assistant Director Alan Belmont brought the headquarters file with him and offered it to the Commissioners for their review:

Mr. Stern: Mr. Belmont, I show you a letter marked for identification Commission Exhibit No. 834. Can you identify that for the Commission, please? (The document referred to was marked Commission Exhibit No. 834 for identification.)

* Assuming that Mr. Belmont was accurate in his representation that the file contained the complete set of documents

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MR. BELMONT. This is a letter dated May 4, 1964, addressed to the Commission which sets forth in summary the contents of the headquarters file on Oswald prior to the assassination.

MR. STERN. Do you have that file with you?

MR. BELMONT. Yes, sir.

MR. STERN. Would you explain generally to the Commission what materials there are in that file that for security reasons you would prefer not to disclose?

MR. BELMONT. The file contains the identity of some of our informants in subversive movements. It contains information as to some of the investigative techniques whereby we were able to receive some of the information which has been made available to the Commission.

MR. STERN. I think that is enough, Mr. Belmont, on that.

MR. MCCLOY. You didn't have anything further to add to that, did you?

MR. BELMONT. No.

THE CHAIRMAN. I think as to those things if it is agreeable to the other members of the Commission, we will not pursue any questioning that will call for an answer that would divulge those matters that you have just spoken of.

MR. BELMONT. I would like to make it clear, Mr. Chairman, that-- I think that is very kind of you--I would like to make it clear that Mr. Hoover has expressed a desire to be of the utmost help to the Commission, and to make any information available that will be helpful to the Commission. I think your observation is very much worthwhile.

MR. STERN. Mr. Belmont, have you reviewed the actual file and this letter of May 4 which summarizes each document in the file?

MR. BELMONT. Yes, sir.

MR. STERN. And to your knowledge, is this an accurate summary of each piece of information in the file?

MR. BELMONT. Yes, sir.

MR. STERN. The file is available to the Commission?

MR. BELMONT. Yes, sir.

MR. STERN. If they want to look at any item in it?

MR. BELMONT. Yes, sir.

THE CHAIRMAN. The file does not include that security matter that you mentioned, or does it?

MR. BELMONT. This file is as it is maintained at the Bureau with all information in it.

THE CHAIRMAN. With all information in it?

MR. BELMONT. Yes, sir; this is the actual file.

THE CHAIRMAN. I see.

MR. RANKIN. Mr. Belmont, are you willing to leave the file a reasonable time in case any of the Commissioners desire to examine it personally?

MR. BELMONT. Yes, sir.

MR. RANKIN. We will return it.

THE CHAIRMAN. I wonder if we do want it on those conditions. If we want to get anything from it don't you think, Mr. Rankin, that we ought to make it known here while the witness is here. I personally don't

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care to have this information that involves our security unless it is necessary, and I don't want to have documents in my possession where it could be assumed that I had gotten that information and used it, so I would rather, I would rather myself confine our questions to this file to the testimony of Mr. Belmont. Then if we want it, if we want any of those things, it then becomes a matter to discuss here in the open, and not just in privacy.

THE CHAIRMAN. I think that would be better. I think, Mr. Rankin, your purpose is entirely laudable here, but I think we do have to use some discretion in the matter, and you say that you want it so we can say we have seen everything. Well, the same people who would demand that they be entitled to see it, and if it is security matters we can't let them see it. It has to go back to the FBI without their scrutiny.

So unless, I would say, unless there is something that we think here is vital to this situation, that it isn't necessary for us to see the whole file, particularly (p. 13) in view of the fact that we have practically--we have all the reports, he says we have all the reports that are in that file, and it just seems like thrashing old straw to go over it and over it again.

MR. MCCLOY. Do we have copies of all these telegrams that are in here from the Embassy?

MR. BELMONT. You are looking at--

MR. MCCLOY. Not Embassy; here is one from Mexico. Do we have that? We don't have these in our files, for example.

MR. BELMONT. This is subsequent to the assassination. You see your area of interest at this point is information, all information we had prior to the assassination. I did not remove from this file the items that started to come in subsequent to the assassination, you see.

MR. MCCLOY. My feeling is that somebody on the Commission should examine that file. I can't come to any other conclusion after reading it all, because I don't know what is in it, what is in our record, and what is in that file. There is a good bit of material there that is narrative, which I think would be relevant. Certainly, I don't believe we can be possibly criticized for deleting or not producing a file which contains the type of information that you are speaking of. We are just as interested in protecting the security of your investigative processes as you are. But I don't think that when it is on the record that we have this file, that may contain material that was not in our files, and we are given the opportunity to examine it, without disclosing these confidential matters that we ought not to have somebody go through it.

MR. DULLES. I agree with you but I think we could save time if we checked off first what we have already and that would cut out about half of that file probably.

MR. MCCLOY. I think in a rapid glance through it, I think just about half of it.

THE CHAIRMAN. Well, suppose you do that then, get those and let's see. All right, proceed, Mr. Stern.

MR. STERN. I think perhaps we ought to leave the entire matter of the

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file then until we can give you the information.
THE CHAIRMAN. That is right. ***

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DISCUSSION: THE BUREAU'S HANDLING OF OSWALD PRE-ASSASSINATION CASE

A. Oswald's Defection.

After the State Department informed the Bureau of Oswald's defection and announcement to State officials that he intended to provide "radar secrets" to the Soviets, the Bureau opened a "Security case" with Oswald as the subject. The FBI then verified through inquiries with the Department of the Navy that Oswald did not have knowledge of strategic information that would benefit the Soviets. The conclusion was that, although no further action on the case was warranted, a stop should be placed against the prints to prevent Oswald from entering the United States under any name.

Some six months later the Bureau interviewed Oswald's mother at her request. They were informed that Oswald had taken his birth certificate with him to the Soviet Union; by memorandum disseminated to, inter alia, State (but not CIA), the Bureau expressed concern that an imposter might attempt to return to the United States using Oswald's identity.*

B. Oswald's Return to the United States.

Despite the Bureau's expressed concern, when Oswald returned to the United States on June 13, 1963, he was interviewed at the dock by IN&S Inspector Frederick Weidersheim. The Bureau did not interview Oswald until some three weeks subsequent to his return.

*The FBI's own field offices were not provided with a copy of this memorandum. The Dallas agents have testified that they never considered the imposter possibility.

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There is no indication that Weidersheim attempted to verify whether an imposter had assumed Oswald's identity. Nor did the Department of State follow its own internal procedures: viz., embassy officials handed Oswald his passport some five days prior to his scheduled departure from the Soviet Union, and there was no look out card placed in Oswald's file.*

On June 26, 1962, SA Fain interviewed Oswald in Fort Worth, Texas. According to Fain, Oswald was cold, arrogant and difficult to interview. With copies of State Department documents in hand, Fain must have been aware that Oswald was repeatedly lying. Indeed, Fain asked Oswald to take a polygraph test; he refused, even to his negative answers on deals or relationships with Soviet intelligence.** Fain also reported that Oswald denied that he had ever been a member of the Communist Party in the United States, or that he went to the Soviet Union because "of a lack of sympathy for the institutions of the United States."

A second interview some four weeks later on August 30, 1962, went much the same way. Despite Oswald's attitude and demonstrable lies, Agent Fain closed the Oswald security case on August 20, 1962; it was not to be reopened again until March 26, 1963.

The only additional investigation of Oswald conducted by the Bureau at any time prior to March 26, 1963, were the reviews of the Oswald file at the Department of State, inquiring of two low-level Communist Party informants whether they knew of Oswald (with

* Issues relating to the Department of State's handling of Oswald's return are treated in Appendix XV of the Commission's Report.

** The Warren Commission was apparently not provided with the administrative cover pages of Fain's report which discussed Oswald's refusal to be polygraphed.

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negative responses) and interviewing three of Oswald's relatives. No neighborhood or employment sources were checked or developed, Marina was not interviewed, none of the Bureau's established legitimate techniques to determine with whom a subject was in contact -- such as mail covers -- were employed or their use even suggested.

Indeed, the Bureau's failure to interview Marina is surprising. The documentary record reflects that Marina's case was opened in a pending inactive status; i.e., although the file was not technically closed, nothing would be done in the case for six months. She had originally been considered for the Bureau's SOBIR (Soviet Block Immigrant Repatriation) program, which we have been informed involved the Bureau's desire to interview and more closely monitor the activities of Soviet immigrants who meet certain criteria that suggest possible intelligence connections. However, the field Supervisor concluded on July 25, 1962, that consideration of Marina for the SOBIR program would be postponed for six months in that her activities could be sufficiently monitored in connection with the subversive case on Lee Oswald. As previously noted, the case on Lee Oswald was closed on August 30, 1962.

With respect to Oswald's marriage to Marina, and her return to the United States, the Commission stated:

Oswald's marriage to Marina Prusakova on April 30, 1961, is itself a fact meriting consideration. A foreigner living in Russia cannot marry without the permission of the Soviet Government. It seems

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unlikely that the Soviet authorities would have permitted Oswald to marry and to take his wife with him to the United States if they were contemplating using him alone as an agent. The fact that he had a Russian wife would be likely, in their view, to increase any surveillance under which he would be kept by American security agencies, would make him even more conspicuous to his neighbors as "an ex-Russian," and would decrease his mobility. A wife's presence in the United States would also constitute a continuing risk of disclosure. On the other hand, Marina Oswald's lack of English training and her complete ignorance of the United States and its customs would scarcely recommend her to the Soviet authorities as one member of an "agent team" to be sent to the United States on a difficult and dangerous foreign enterprise.

In contradistinction, a retired Bureau Soviet Section Supervisor told us that of greatest concern to him in the Oswald case was the fact that the Soviets had allowed Marina to return to the United States with Oswald. He felt that if they desired to "tap Oswald on the shoulder and make use of him at some future date, Marina's presence would give them a great deal of leverage." However, it should be emphasized that the Supervisor is not aware of any evidence which suggests that the Soviets in fact used or attempted to contact Oswald.

It is surprising that Oswald was not debriefed despite two years in the Soviet Union, and more particularly, in Minsk, a city on which the intelligence agencies have told us that they had less information than they would have liked to have had.* Indeed, it was the dearth of positive intelligence on Minsk which led the CIA officer on the Soviet desk to suggest, in 1961, that Oswald be de-

* The documentary material does not provide an explanation for the intelligence community's failure to debrief Oswald.

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briefed upon his return. It is also interesting to note that the CIA attempted in part to justify certain of their counter-intelligence operations -- such as the mail opening program -- on the basis of the valuable general, positive intelligence provided on the Soviet Union. We also know that the CIA still openly interviews American citizens upon their return from the Soviet Union.

C. The Continued Investigation - Dallas.

On September 28, 1962, the New York field office learned, through a mail cover -- and, subsequently informed Dallas -- that Oswald subscribed to "The Worker," which periodical in Bureau parlance is referred to as "an East Coast Communist newspaper." Oswald's subscription to this newspaper would seem to contradict his statements to SA Fain that he was disenchanted with the Soviet Union and not out of sympathy with U.S. institutions. The fact of Oswald's subscription was simply noted in his security file; FBI headquarters was not informed of the subscription until September 10, 1963, and then only after it had requested information on Oswald from the Dallas office. Assistant Director Gale of the Inspection Division, in his December 10, 1963, highly-critical report on the Bureau's handling of the pre-assassination Oswald case noted: "In light of Oswald's defection, the case should have been reopened at the first indication of Communist sympathy or activity."*

*None of the Bureau's internal stinging criticism of their agents handling of the pre-assassination Oswald case ever reached the Warren Commission. See discussion, *supra*, at

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In October of 1962, SA Hosty had been assigned the Marina Oswald security case, which remained at that time in pending inactive status. The case was reviewed by Hosty for the first time in March of 1963. Hosty then located Marina Oswald, but did not interview her as a potential SOBIR subject because of her alleged marital difficulties. Hosty did, however, review the Dallas Office's security file on Lee Oswald and, on the basis of Oswald's contacts with "The Worker," opened that case on March 26, 1963.

With respect to Hosty's stated reason for not interviewing Marina -- i.e., that he had developed information that Oswald had been drinking to excess, and beating his wife, and wanted to allow a "cooling off" period -- Mr. Hoover noted in December of 1963 that this was "certainly an asinine excuse" and "I just don't understand such solicitude." Inspector Gale in the above-noted memorandum informed Mr. Tolson that "this entire facet of the investigation was mishandled. Mrs. Oswald definitively should have been interviewed and the best time to get information from her would be after she was beaten up by her husband." The Director added the following notation to Gale's conclusion: "This certainly makes sense."

On April 21, 1963, the New York field office obtained a copy of an Oswald letter to the Fair Play for Cuba Committee ("FPCC"). This is the first indication in Bureau files that Oswald had a

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relationship with this pro-Castro organization. Oswald therein advised that he had passed out FPCC literature in Dallas with a placard around his neck reading "Hand Off Cuba - Viva Fidel." This information was not reported to Dallas until June 27, 1963, and not reported to headquarters until September 10, 1963. Once again, Oswald's activities contradict his "non-Communist" interview statements.

On May 27, 1963, when Hosty finally returned to the Oswald's Neely Street residence to interview Marina, he was informed that the Oswald's had moved from the Dallas area without leaving a forwarding address. Pursuant to leads sent out by the Dallas office seeking information on the Oswald's whereabouts, the New Orleans office informed Dallas on July 17, 1963, that the Oswald's were living in that city. The Bureau had apparently first learned of Oswald's presence in New Orleans from a letter he had written to "The Worker" on June 26, 1975. Oswald claimed in the letter to be a long-time subscriber and stated that he was forming an FPCC Chapter in New Orleans. He enclosed honorary membership cards for "those fighters for peace," Mr. Gus Hall (General Secretary of the Communist Party, USA) and Benjamin Davis (National Secretary of the Communist Party, USA). On September 10, 1963, New Orleans became the office of origin for both Lee and Marina's cases. SA Kaack was then assigned both cases.

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D. The Continued Investigation - New Orleans.

In the interim, Oswald had on August 9, 1963, been arrested in New Orleans in connection with his FPCC activities and charged with "disturbing the peace by creating a scene." On the morning of Saturday, August 10th, Oswald asked to see a Bureau agent, and he was interviewed at length by SA Quigley. It is interesting to note that Oswald also repeatedly lied to this FBI agent. For example, he told Agent Quigley that he had met and married his wife in Fort Worth, Texas. Although Quigley and Bureau reports maintain that he "only passed the information on to SA Kaack" (and that he was not aware of these lies as he had not read the previous reports), Bureau records establish that Quigley had been handling the leads on the Oswald case prior to the formal assignment to Kaack on September 10, 1963; in this capacity he should have been aware of Oswald's background.

The New Orleans office learned on August 22, 1963, that Oswald participated in a radio program in his capacity as the Secretary of the New Orleans FPCC Chapter, and stated, inter alia, that he was a Marxist and that "Cuba is the only real revolutionary country in the world today." On August 23, 1963, the New Orleans office was instructed by headquarters "to submit results of their Oswald investigation to the Bureau." On September 24, 1963, the New Orleans office advised the Bureau that the investigation was continuing and that a report setting forth the investigative

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findings would be furnished. Agent Kaack's investigative report was subsequently sent to the Bureau on October 31, 1963; it did not contain any significant information that was not already in Oswald's headquarters file.

Some time between September 25 and October 2, 1963, agents of the New Orleans office attempted to ascertain Oswald's residence and place of employment. They then learned that the Oswalds had left New Orleans. Leads to locate Oswald were sent to Dallas, Forth Worth and Malvern, Arkansas.

It was not until October 22, 1963 -- some twelve days subsequent to the date on which Bureau headquarters was first informed of Oswald's contact with the Soviet Embassy in Mexico City -- that information pertaining to Oswald's Mexico City trip was provided to the New Orleans office. Coincidentally, Hosty in Dallas had by chance ascertained similar information from the I&NS Inspector, and Hosty's report was also received in New Orleans on October 22, 1963. Thus, despite the fact that both field offices were aware by October 22, 1963, of Oswald's contact with the Soviet Embassy, there is absolutely no evidence that either of these field offices intensified their "efforts" to locate Oswald. Most surprising, however, is that the "Soviet experts" at FBI headquarters did not intensify their efforts in the Oswald case after being informed that Oswald had met with Vice Consul Kostikov at the Soviet Embassy in Mexico City. Not only were these experts

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more familiar with Soviet activities in general; they knew that Kostikov was KGB, and had reason to believe he was an agent within the KGB's Department 13 (Assassination-Sabotage).

They were also aware that American citizen contacts with the Soviet Embassy in Mexico City were extremely rare. Ironically, the teletypes informing the Bureau of Oswald's Mexico City activities were sitting on a pile of documents on the headquarter's supervisor's desk awaiting initial action on November 22, 1963. That portion of Inspector Gale's memorandum of December 10, 1963, which discusses these teletypes reads as follows:

The SOG (Seat of Government) supervisor failed to take any action on the teletypes, stating it did not appear to him any action was warranted. Inspector (i.e. Gale) feels . . . the field should have been instructed to intensify investigation . . . and Oswald placed on Security Index.

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E. Continued Investigation: Dallas

On October 26, 1963, the New Orleans field office advised the Dallas office that the Oswald's had left a forwarding address in Irving, Texas. Dallas was asked to verify the new residence. On October 30, 1963, Hosty established that although Marina and the baby were living in Irving with the Paine family, Lee was not living there. On November 1, 1963, Hosty went to the Paine residence for the stated purpose of interviewing Mrs. Paine to "find out where Oswald was residing." Mrs. Paine told Hosty that she did not know where Oswald lived; however, she did advise Hosty that Oswald was employed at the Texas Book Depository. Toward the end of the interview Marina Oswald came into the room. According to Hosty, she expressed fear of the FBI. Hosty claims that his two or three minute conversation with her (with Ruth Paine translating) was cordial, as he attempted to waylay her fears.

On November 2, 1963, Hosty claims to have, by telephone, verified Oswald's employment at the Book Depository. However, Oswald's employment records listed the Paine house as his residence. Hosty recontacted Mrs. Paine again, but she was still unable to provide any further information as to Oswald's residence address.

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At this point, Hosty held the investigation in abeyance and no further investigation was undertaken until the assassination. Hosty explained that he held the investigation in abeyance to "be sure that he was in possession of all information from New Orleans." Hosty also gave this explanation to Inspector Gale, who noted in his memorandum to Mr. Tolson:

Inspector definitely does not agree. New Orleans submitted sixteen page report, 10/31/63, and only leads outstanding in New Orleans were to ascertain Oswald's whereabouts. No indication New Orleans had any further data . . . Even if New Orleans had not reported all information in their possession, Dallas should have intensified investigation in light of Oswald's contact with Soviet Embassy in Mexico City and not held investigation in abeyance.

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THE ASSASSINATION INVESTIGATION

Preliminary Discussion:

Not only were many Americans, immediately after the assassination, for the first time questioning the myth of the intelligence agencies infallability; many were also openly skeptical of the FBI's stated findings that Oswald was the assassin and that he acted alone.

Congress and the President were well aware that the public could only be assuaged by what they believed was a thorough and independent investigation of the assassination. Two resolutions were submitted in Congress calling for congressional investigations into the circumstances surrounding the assassination. The State of Texas set up a Commission for the same purpose. President Johnson, in establishing the Warren Commission by executive order on November 29, 1963, preempted the field.

The President's publicly stated reason for establishing the Commission was to "ensure a thorough and independent investigation of the circumstances surrounding the assassination." In that the only investigations of the assassination on record were the investigations that had been conducted by the Dallas Police Department and the Federal Bureau of Investigation -- and taking into account the public criticism and skepticism directed at these two agencies -- it can be inferred from President Johnson's public statements that the Commission's investigation was to be independent from the Bureau's. Indeed, the Commission's report noted: "Because of the

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numerous rumors and theories the public interest in insuring the truth could not be met merely by adopting the reports or the analysis of Federal or state agencies."

When it began work in earnest in mid-December, the Commission was supplied with a tremendous number of reports from various Federal and state agencies. By far the greatest number of reports emanated from the FBI; of particular importance was the five volume, December 9, 1963, Report summarizing the Bureau's immediate post assassination investigation. Subsequently, the Commission requested and received the field investigation reports upon which the December 9, 1963, report had been based. The Commission stated in its report:

As these investigative reports were received, the staff began analyzing and summarizing them. The members of the legal staff, divided into teams, proceeded to organize the facts revealed by these investigations, determine the issues, sort out the unresolved problems, and recommend additional investigation by the Commission

After reviewing the accumulating materials, the Commission directed numerous additional requests to Federal and State agencies. (Report, p. xii)

The Commission's Report also states:

Because of the diligence, cooperation, and facilities of Federal investigative agencies, it was unnecessary for the Commission to employ investigators, other than the members of the Commission's legal staff. (Report, p. xiii)

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With only isolated minor exceptions, the entire body of factual material from which the Commission drew its findings was supplied by the intelligence community, and, primarily, the FBI. Even when material was provided by an agency other than the FBI, however, the record reflects that the agency usually first checked with the Bureau before supplying information to the Commission. Moreover, FBI memoranda indicate that CIA and Secret Service personnel received Director Hoover's Commission testimony prior to the testimony of their respective agency head, for the stated purpose of "ensuring that there were no conflicts in testimony."

Thus, by its own admission, the Commission was dependent upon the intelligence agencies for the facts. As a second step, the Commission and its staff did analyze the material and frequently requested follow up agency investigations. However, if the Commission did not initially receive any evidence on a particular point, the second step would obviously not be reached, and the Commission's findings and conclusions would necessarily be drawn without the benefit of any information on the omitted point.

There are a variety of reasons that can explain why a particular piece of evidence was not produced for the Warren Commission. It might not in the first instance have been available to the intelligence agencies, or although available not uncovered because of an inadequate investigation. It is also possible that the

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evidence was known to certain persons within the agencies but because of compartmentation not available to the liaisons and never provided to the Commission. Another possibility is that evidence was purposefully withheld from the Commission. The next two sections analyze those aspects fo the CIA's and FBI's respective assassination investigations which the staff has had the opportunity to review. Subsequent sections of the report discuss the staff's review of specific instances where it has been alleged that evidence was withheld from the Commission.

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THE CIA'S ROLE IN THE INVESTIGATION

1. The Effect of Assassination Plots Against Castro on the Warren Commission Investigation

The possibility that CIA had engaged in plots to assassinate foreign leaders was first acknowledged publicly in the course of the Rockefeller Commission's investigation and was confirmed by the Senate Select Committee's investigation and report.

The Rockefeller Commission investigated both CIA assassination plots and their connection with the Warren Commission investigation. David Belin, a staff attorney for the Warren Commission and Chief Counsel for the Rockefeller Commission, wrote:

At no time did the CIA disclose to the Warren Commission any facts which pertained to alleged assassination plans to kill Fidel Castro; (Memorandum from David Belin to the Rockefeller Commission, May 20, 1975, p. 1 (TAB A))

Belin concluded: [T]he CIA withheld from the Warren Commission information which might have been relevant . . . in light of the allegations of conspiratorial contact between Oswald and agents of the Cuban government. (Ibid., p. 18.)

Mr. Belin also discussed this matter with Raymond Rocca, Chief, Research and Analysis, Counterintelligence Division, CIA in 1964, who was the "point of record" * between the CIA and the Warren Commission. Mr. Rocca, like Mr. Belin, prepared a memorandum stating he was unaware of the plots until 1975 and expressing concern about the Warren Commission's findings in light of this new information.

Mr. Belin also contacted former Warren Commission staff counsel, Burt Griffin, to get his views on this matter. Mr. Griffin responded

* Testimony of James Angleton, February 5, 1976.

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by letter (TAB 3) wherein he wrote he was not told of assassination plots against Castro. He also expressed his feelings that assassination plots against Castro might have a significant effect on the Warren Commission findings.

After the Select Committee concluded that one plot, possibly involving the assassination of Castro, was underway in the Fall of 1963 and that the plot involved the passing of a poison pen to a Cuban agent on the very day of President Kennedy's assassination we began an investigation to resolve: (1) whether anyone with the Warren Commission knew of the plots; (2) whether the CIA intentionally withheld information about the plots from the Commission or from other Government officials; and (3) whether there is probable cause to believe the existence of such assassination plots affects the findings of the Warren Commission.

a. Background of Assassination Plots: Covert Actions Against Cuba

Fidel Castro's forces took over the government of Cuba on January 1, 1959. Although initially advocating reform through socialism, Castro soon openly advocated Communism and aligned himself with the Soviet Bloc. The United States was properly concerned with Castro's change in direction, not merely because a Soviet aligned regime in Cuba posed a threat to U.S. security, but also because Castro seemed bent on exporting communist revolution throughout Latin America.

As a result, the United States embarked on a policy looking to the ouster of Castro and his Communist regime. Implementation of this policy concerned all appropriate government agencies -- the Departments of State, Justice, and Defense included. The CIA was given principal responsibility for implementation of the policy through covert action.

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We have made no attempt to detail the CIA's covert operations against Cuba except as necessary to provide a background for the CIA's assassination plots against Castro. Our review indicates that by the end of 1964, CIA covert operations against the Castro regime totalled \$106 million. Peak spending of \$44 million was in 1961 with most of the money going to support the Bay of Pigs invasion. Spending in 1962, 1963, and 1964 averaged only \$20 million. (TAB C) *

The nature of the covert operations ran the gamut of the techniques CIA had available: propaganda, coastal raids, agent networks, sabotage of facilities, defection of Cuban officials, outright invasion in the case of the Bay of Pigs, and coup planning and assassination. In addition to these operations directly controlled by CIA, there were various operations run by Cuban exiles. Two major exile groups, referred to by the CIA as "autonomous operations," were assisted ^{*} by CIA and were controlled as best as could be by CIA.

The CIA therefore had files on many of those involved with the two autonomous groups. As will be discussed infra, this meant that even though many members were living in the United States and ostensibly within the jurisdiction of the FBI, not the CIA, the CIA could have assisted Warren Commission investigators in understanding Oswald's Cuban connections. We do not think that the Warren Commission knew

* Expenditures for paramilitary operations generally totalled an estimated \$9 million in 1964, \$5 million of which was for support of autonomous Cuban groups under the covert program approved in June 1963. (TAB C)

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this.

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Thus, the Warren Commission's investigation of the assassination of President Kennedy was conducted against a background of CIA's covert operations against Cuba. Knowledge of these operations was relevant both to the Commission's conclusions about foreign conspiracies and to its investigation of Oswald's connections to pro-Castro and anti-Castro organizations. We found no evidence that the Warren Commission was given access to information about Cuban operations or that the CIA independently investigated these matters.

b. Nexus Between CIA's Assassination Plots and a Foreign Conspiracy

[The following discussion of foreign conspiracy should be considered of the highest sensitivity. There is no direct evidence of such a conspiracy. But there is sufficient circumstantial evidence to suggest that one existed, and was not thoroughly investigated.]

Without question, any public indication that the Select Committee is investigating a foreign conspiracy would be enormously explosive. A disclosure would have substantial impact on current foreign policy vis-a-vis the countries under question. While any direct evidence of a foreign conspiracy might ultimately warrant public disclosure, certainly the evidence so far developed does not!]

* Information in JMWAVE files on the Cuban Student Directorate (AMSPELL) suggest that JMWAVE files on Cuban groups contain data regarding Oswald. For example, on November 22, 1963 WAVE reported that "AMHINT 53 reports AMSPELL delegate had radio debate with Lee H. Oswald of Fair Play for Cuba Committee sometime in August of 1963 . . . According to AMSPELL files Oswald former U.S. marine who had travelled Moscow 59 at which time renounced American citizenship and turned passport over to American consulate. Allegedly lived in home Sov foreign minister for two months. (Cable from JMWAVE Station to Headquarters, November 22, 1963.) (TAB D)

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In its public report, the Warren Commission concluded there was no evidence of any conspiracy involving Oswald:

Based upon the investigation reviewed in this chapter, the Commission concluded that there is no credible evidence that Lee Harvey Oswald was part of a conspiracy to assassinate President Kennedy. Examination of the facts of the assassination itself revealed no indication that Oswald was aided in the planning or execution of his scheme. . . . The Commission discovered no evidence that the Soviet Union or Cuba were involved in the assassination of President Kennedy. WR 374 .

In a confidential staff memorandum prepared only a month before the report went to print, Commission staff member, Burt W. Griffin, argued against the then proposed version of the public report on foreign conspiracy. He argued:

Much of the "disproving evidence" which is amassed in connection with the [foreign governmental] conspiracies has little probative value (Memorandum from Burt Griffin to Howard Willens, August 20, 1964, p. 1.)

He also noted that the report's conclusions were in reality based only on the findings: (1) no foreign government had a motive; (2) there was no evidence Oswald was a foreign agent; and (3) Oswald would have been the worst possible agent for the job.

The public report's conclusion against any conspiracy stands in sharp contrast to the staff's classified conclusions. In its one hundred eleven page Top Secret report on foreign conspiracy, the staff stated it did not believe the Soviet Union was behind the assassination but it did not reach the same conclusion with regard to Cuba. For example, in discussing Oswald's actions it wrote:

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On the other hand, his circumstances and character do fit the criteria for an 'agitator,' propagandizer, or even an assassin, for the Cuban Government. *

Our investigation supports this conclusion about Cuban involvement. However, we do not rule out Soviet involvement and CIA counterintelligence personnel interviewed strongly doubt the Cubans could have carried off an assassination of President Kennedy without the knowledge, and possible assistance, of the KGB.

c. The AMLASH Operation and Castro's Knowledge of It

Without doubt, Fidel Castro had good reason to fear U.S. policy under President Kennedy. Kennedy had permitted the abortive Bay of Pigs invasion and had threatened nuclear war over Soviet placement of nuclear weapons in Cuba. His administration constantly focused on the ouster of the Castro regime.

On the other hand, Castro on the surface seemed to have little to gain from the death of Kennedy since he would be succeeded by Johnson who, Castro could have assumed, would carry on the same policies. Castro certainly noticed no difference between Kennedy's policies and those which might be adopted by Senator Goldwater, his likely opponent in the 1964 election. For example, in a report of an impromptu interview on September 7, 1963, AP correspondent Daniel Harker reported:

Castro then launched into a discussion of the U.S. political scene saying he expects no change in Washington's foreign policy even if there is a change in administrations after the 1964 presidential elections. "I am sure it will be a fight between (President) Kennedy and

* Sanitized Copy of Warren Commission Staff Memorandum on Foreign Conspiracy obtained from Archives, p. 6.

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(Sen. Barry) Goldwater (R Ariz.). Both are cheap and crooked politicians,' Castro said. (TAB E)

In any event, speculation as to Castro's motives requires consideration of the specific actions the Kennedy administration was taking in the Fall of 1963. Of prime importance to Castro, may have been belief or actual knowledge that CIA was then attempting to assassinate him as part of a coup by the non-Communist officials in the Castro regime.

After the resolution of the Cuban missile crisis, CIA's covert operations, then designated as Project Mongoose, were halted on October 30, 1962*. Castro seemed to be aware of this decision in his November 1963 interview with the reporter Jean Daniel. (TAB F)

On the other hand, raids by Cuban exile groups could not be so easily controlled. However, after exile raiding boats fired on a Russian ship off the coast of Cuba in Spring 1963, the FBI, reportedly acting on Robert Kennedy's orders, started a crack-down on the U.S. based operations of the exile groups. Mechanisms were^{**} devised, however, to avoid FBI crack-down on the CIA operations.

In June 1963, a decision was reached to step up various covert operations against Cuba, including sabotage operations designed to encourage dissident groups inside Cuba, to worsen economic conditions in the country, and to cause Cubans to doubt the ability of the Castro regime to defend the country. (TAB G)

Perhaps this decision prompted CIA to renew contact in June with a high level Cuban official, code-named AMLASH, who previously had indicated interest in assassinating Castro and in toppling

* Landsdale Memorandum for Record, 10/30/62.

** Informal briefing by FBI.

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the regime.

In late August 1963, AMLASH travelled to Brazil with a group of Cuban officials and athletes. Upon arrival there, he notified a contact he had with CIA. From September 5 through 8, he met with his contact and CIA case officers in Brazil. Although CIA's interest in AMLASH may have been to gain intelligence and to cultivate him as an asset for covert operations, the case officers learned that AMLASH himself was interested primarily in attempting an "inside job" against Castro. After making his proposal, AMLASH left Brazil indicating he was awaiting a U.S. plan of action. A message from CIA headquarters analyzes the contact by suggesting AMLASH did not seem interested in routine intelligence missions and should be directed toward recruiting cohorts for sabotage and "more serious matters on an orderly basis." The case officer testified he was aware of this analysis.**

There is no hard evidence that Castro was aware of these meetings with CIA, but there is reason to believe he was.

Shortly after the meeting, CIA received information from another source in Cuba to the effect that AMLASH was part of a group of anti-communist Cuban officials of which Castro was aware. The case officer could not recall receiving this information, but he knew that AMLASH had been rather openly anticommunist in 1961 and 1962.

More importantly, on September 7, 1973, Castro gave an impromptu interview with AP reporter Daniel Harker and warned against

* The following facts are detailed in the Staff Summary of CIA's AMLASH file. (TAB H)

** AMLASH case officer was interviewed on February 11, 1976. His disagreements with the chain of events drawn from the file are noted.

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the U.S. "aiding terrorist plans to eliminate Cuban leaders." Castro chose a reception at the Brazilian Embassy in Havana as the occasion for his tirade. (TAB **E**) The connection between Castro's warning and the AMLASH meeting may only be coincidental.* Nevertheless, AMLASH had proposed a terrorist plan to eliminate Cuban leaders; and, according to an informal briefing by a current CIA analyst of Cuban affairs, Castro is known to resort to subtle nuances, such as the choice of the Brazilian Embassy, to put his statements in context.

Similarly Mr. Rocca has concluded: "There can be no question from the facts surrounding the Castro appearance, which had not been expected, and his agreement to the interview, that this event represented a more-than-ordinary attempt to get a message on the record in the United States." (Memorandum for DC/OPS, May 23, 1975).

According to Harker, Castro went on to say the "United States leaders would be in danger if they helped in any attempt to do away with leaders of Cuba We are prepared to fight them and answer in kind. United States leaders should think that if they are aiding terrorist plans to eliminate Cuban leaders, they themselves will not be safe."

Castro also talked about what he termed "recent U.S.-prompted raids on Cuban territory" and "piratical attacks" by the United States against the Cuban people. Indeed the CIA had conducted raids on Cuban coastal targets in August. In addition an air raid by an exile group, not related to CIA, in the same time period was

* The case officer was not aware of this warning at the time. He conceded it may be a fair statement of the nature of the AMLASH operation.

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noted in a report of September 4, to be of much concern in Cuba.

(TAB I)

Obviously, we cannot be certain about Castro's awareness of the AMLASH meeting. His statements refer to raids, which were much talked about according to the September 4 report. Yet objectively those raids cannot be considered "plans to eliminate Cuban leaders." AMLASH's proposal was. The raids would not objectively call for Castro to threaten the safety of American leaders aiding the plans. AMLASH's proposal might. In any event, Castro comments at that interview clearly suggest he held Kennedy responsible for whatever he was concerned about.

In the ensuing two months, CIA involvement in AMLASH's plot grew deeper. In early October the case officer told AMLASH that his proposal had U.S. support at the highest levels* and found AMLASH greatly relieved and ready to return to Cuba to undertake the "big job." Later in the month AMLASH demanded to meet with Robert Kennedy to obtain his personal assurance that the United States supported his plan -- a coup, the first step of which was probably the assassination of Castro.**

CIA did not arrange a meeting with Robert Kennedy, but instead sent Desmond Fitzgerald, head of the Special Affairs Staff (the office responsible for all covert operations against Cuba), to meet

* He testified he meant the highest levels of CIA.

** The case officer repeatedly refused to characterize the AMLASH operation as an assassination plot. However, he testified that AMLASH was proposing a coup which included Castro's assassination as the first step.

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with AMLASH as the personal representative of Robert Kennedy. On October 29, Fitzgerald told AMLASH a successful coup would receive U.S. support.

AMLASH seemed satisfied with this show of high level U.S. support for his plans, but still expressed concern that the U.S. was not furnishing him the necessary equipment, e.g., explosives and rifles with telescopic sights.* On November 20, a CIA case officer telephoned AMLASH to arrange a meeting for November 22, saying he did not know if it would be interesting, but it would be the meeting AMLASH requested. The case officer hesitated in stating that AMLASH would have understood this message as positive evidence CIA was going to meet his request. At this meeting AMLASH was shown a poison pen device, given assurances that the requested equipment would be supplied him in Cuba, and shown a copy of President Kennedy's speech of November 18 in Miami.** The case officer told AMLASH that Fitzgerald had helped write the speech, which included the following passages:

It is the fact that a small band of conspirators has stripped the Cuban people of their freedom and handed over the independence and sovereignty of the Cuban nation to forces beyond the hemisphere. *** This, and this alone divides us. As long as this is true nothing is possible. Without it everything is possible. *** Once this barrier is removed we will be ready and anxious to work with the Cuban people ***

* The case officer said he also asked for a device to protect himself in close quarters. The poison pen device was developed to satisfy this request.

** The case officer does not think he showed AMLASH the speech, but instead alluded to it. He testified that the quoted portion, especially the statement "Once this barrier is removed," probably was pointed out to AMLASH as an indication of Kennedy's support. He testified that Fitzgerald had authorized him to make these representations to AMLASH. He did not know what authority Fitzgerald had or what the President or anyone above Fitzgerald had been told about the AMLASH operation.

*** Washington Post, November 19, 1963, p. A-15. (TAB J)

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Certainly this left little doubt in AMLASH's mind that U.S. policy was fully in support of his proposal to do away with Castro and to lead a coup.* The contact report prepared on November 25 makes no mention of the poison pen or assassination. The case officer thought Fitzgerald had told him to make no mention of it. However, a March 19, 1965, document in AMLASH's file states:

22 Nov. 63 Mr. Fitzgerald and Mr. *** [the case officer] assured subject [AMLASH] that this Agency would give him everything he needed (telescopic sight, silencer, all the money he wanted). The situation changed when Mr. *** and Mr. Fitzgerald left the meeting to discover that President Kennedy had been assassinated. Because of this fact, plans with subject changed and it was decided that this Agency could have no part in the assassination of a government leader (including Castro) and it would not aid subject in his attempt. This included the following. "We would not furnish the silencer, nor scope, nor any money for direct assassination; furthermore, we would not lift a finger to help subject escape from Cuba should he assassinate Castro."

The case officer took exception to the statements of fact contained in this document. First, he pointed out Fitzgerald was not at the meeting, but was instead in Washington. After repeated questions, he finally denied he had given AMLASH the assurance of "all the money he wanted." He testified AMLASH never asked for money. He and Fitzgerald did, however, assure AMLASH of all the support he needed; and money could be considered part of that support.

The case officer said he and Fitzgerald never discussed a connection between the AMLASH operation and the assassination of President Kennedy. Therefore, he thought the document's statement that plans

* The case officer testified that he himself thought this speech was a "signal" to dissident groups within Cuba.

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changed because of Kennedy's assassination does not accurately describe the situation. He further said that there was no assurance to aid AMLASH's escape. The case officer felt the document was a summary drawn from the AMLASH file, attributing statements made to AMLASH in November 1964 to decisions in 1963.

There is no way to reconcile this document with the case officer's testimony. No other document indicates Fitzgerald was at the November 22 meeting with AMLASH. No other document, except a missing cable of November 23, allegedly instructing the case officer to break contact with AMLASH, suggests plans changed because of the assassination. No other document so directly refers to the AMLASH operation as an assassination plot. No other documents mention escape plans or money. If the case officer is correct in his testimony, the quoted portions of this 1965 document were cut out of whole cloth. And, if he is correct, many at the Agency, who had later responsibility for at least a portion of the operation, were acting on very erroneous information.

Two other events occurring in the October-November 1963 time period deserve mention in this discussion of U.S.-Cuban relations. The first is that talks between the Cuban delegate to the UN, La Chuga, and a U.S. delegate, William Atwood, were proposed by the Cubans on September 5. After discussions about the location for such

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talks and Atwood's expressions of U.S. interest, La Chuga told Atwood on October 28 that "Havana didn't see exactly how a talk would be useful now, but he would be glad to maintain continuous contact." On November 29, La Chuga again inquired of Atwood about U.S. interest in talks. (TAB K)

Secondly, the French reporter, Jean Daniel, had a brief interview with President Kennedy on October 24 before setting off on an assignment in Cuba. At that meeting, the President expressed his feeling that Castro had betrayed the revolution. (TAB L)

Daniel travelled to Cuba but got no hint of a similar meeting with Castro. Then on November 19, the day after the President's speech in Miami, Castro contacted Daniel and spent six hours talking to him about U.S./Cuban relations. (TAB M) Daniel again met Castro on November 22, spending most of the day with him. Daniel's report of this meeting "When Castro heard the News" describes Castro's reaction to word of the assassination. Significantly, after word of Johnson's succession to the Presidency reached Castro, he asked: "What authority does he exercise over the CIA?" (TAB N)

There is little doubt that Castro was well aware of the U.S. program of covert operations against Cuba. In public speeches, he repeatedly attacked CIA operations, although he rarely distinguished between CIA operations and those of exile groups operating on their own. President Kennedy's speech of November 18 would have reinforced his belief that the U.S. was committed to his overthrow.

We have attempted to determine whether Castro knew about the AMLASH operation specifically either because AMLASH himself was a

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double agent* or because Cuban/Soviet penetration of the CIA's Cuban operations would have given him such information.

Our brief investigation has not yielded a definitive answer. However, the following facts included in TAB H , indicate Castro could have known of the operation. First, Castro's statement on September 7 that "events of the last few days" indicate the U.S. was possibly aiding terrorist groups' plans to eliminate the leaders of the revolution is an accurate description of the CIA meetings with AMLASH on September 5-8. Second, the CIA received a report that Castro was aware that AMLASH was part of an anti-communist group of Cuban leaders. Third, CIA received information that employees of the Cuban Embassy in Paris suspected AMLASH was there on some Top Secret business. Fourth, CIA learned that Cuban Embassy employees in Paris were angered by statements by AMLASH and others denigrating the revolution during the time he was there meeting with CIA case officers.** Five, CIA discovered at least one of their meetings with AMLASH was under surveillance by French intelligence and CIA had to explain its actions to the French. Six, a CIA proposal in 1965 indicated AMLASH might be a double agent and suggested CIA inform the Cubans that he had received money from CIA; however the proposal apparently was not implemented. (TAB O) Seven, the CIA received various reports that its operations were penetrated. One Cuban defector named a low level CIA agent who had been working for

* The case officer dismissed this possibility because AMLASH was tried, convicted, and sentenced to the Isle of Pines for a later plot. AMLASH made no mention of the 1963 plot during his trial.

** The case officer testified that AMLASH may have expressed to his friends his opposition to Castro and admitted such conversations might have been overheard by others who would not have been receptive to such comments.

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the Cubans since 1961 and indicated there was a very highly placed Cuban intelligence agent in CIA's covert operations against Cuba.

Thus, it is possible that Castro knew that CIA was meeting with AMLASH and that he knew generally that AMLASH was dissatisfied with the regime. There is no doubt that Castro also knew that AMLASH had assassinated a Batista official in 1956 (TAB P) so he could surmise the threat posed by CIA's meeting with AMLASH.

d. Should CIA Have Disclosed the AMLASH Operation to the Warren Commission?

Knowledge of covert operations generally must be distinguished from knowledge of specific operations. The members and staff of the Warren Commission knew Kennedy's policy toward Cuba and knew CIA was involved. Allen Dulles, for example was completely familiar with operations conducted until his departure from the Agency in November 1961. He could also have assumed that those operations continued.

The more difficult question is who knew of the assassination attempts against Castro and who knew of the details of the AMLASH operation.

Again Dulles probably knew CIA had engaged in past attempts to kill Castro. There is no reason to believe he knew of the AMLASH operation.

The Select Committee's report on assassination concluded that Mr. Helms, Deputy Director for Plans, was informed about the AMLASH operations and approved Fitzgerald's being introduced to AMLASH as a representative of the Attorney General. Mr. McCone denied knowing of the AMLASH operation. We have found no evidence to indicate that

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anyone with the Warren Commission was told of AMLASH; and we have Mr. Belin's, Mr. Griffin's and CIA's statements that the Warren Commission was not informed.

From the facts described previously, the AMLASH operation seems extremely relevant to the investigation of President Kennedy's assassination. Not only did the operation contemplate the assassination of Castro with rifles with telescopic sights, but it involved telling AMLASH that Robert Kennedy approved the scheme and calling his attention to the President's speech on November 18. Moreover, key meetings were held during the Fall of 1963, with the final meeting taking place at the very moment of the assassination.

Despite this, neither Mr. Helms, nor the case officer who met with AMLASH thought any relationship existed. ^{*} Both seemed to suggest there was no reason for informing the Warren Commission about the operation -- the thought never crossed their minds.

The testimony of Mr. Helms and the case officer notwithstanding, we find it incredible that those at CIA knowledgeable of the operation did not at least suspect there might be a relationship. Furthermore, we find evidence that affirmative actions may have been taken to prevent those investigating the assassination from learning of the AMLASH operation.

For example, CIA files on AMLASH contain only the briefest report of the November 22 meeting with AMLASH. The case officer identified the document in the file as the report he prepared, but he could not explain why the type of the third page is dramatically lighter than

* The case officer testified there was "no link" in his mind between the two events and no discussions of such a link.

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tigating the assassination, but only to note the unresolved leads.

Furthermore, the Warren Commission staff travelled to Mexico City and was given access to files there and at Headquarters. We have not attempted the difficult and tedious job of determining precisely what documents the staff actually read or what documents it had access to. * We have summaries of the documents reviewed in Mexico City and from these summaries it seems the staff did not review many of the Station's files; but we cannot be certain that the summaries are accurate.

In any event, our review of CIA files on Mexico City yields a different picture of Oswald's visit there than that painted in the public version of the Warren Report. Moreover, these documents disclose unusual activity by both the Soviets and Cubans in Mexico City, which may or may not relate to the assassination, but are, in the least, coincidental with it. Our findings follow.

Oswald went to the Soviet Embassy on September 27, sometime between 10:00 a.m. and 4:05 p.m. A caller to the Soviet Embassy at 10:30 that morning asked for a visa to Odessa. It is unlikely that the caller was Oswald because the caller spoke Spanish, because the call was placed so soon after his arrival, and because Odessa is a resort town in Russia and not a likely destination for Oswald.

Oswald visited the Cuban Consulate in the afternoon asking for a visa and indicating he had previously been to the Soviet consulate. He dealt with a Mexican employee of the Cuban Consulate named Sylvia

* We do know that the files we have reviewed may contain documents not seen by the Warren Commission staff.

** Oswald studied Spanish, but was not known to speak it.

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Duran. She called the Soviets at 4:05 p.m. in an attempt to determine whether they had granted a visa and learned they had not. She told Oswald he could not get a visa to Cuba for travel on to Russia unless he had the Russian visa first. This is substantiated by the documents furnished by the Cuban government.

The next morning Oswald apparently visited the Soviet Consulate again and then went to the Cuban consulate. At 11:31 a.m. he called the Soviet Consulate from the Cuban Consulate and told them that he had just been there. He continued saying the Soviets wanted his "address" which the Cubans had. The Russian with whom he talked told him to come back and give them the address.

There is no explanation for why Oswald had to get his address from the Cubans, nor is it known whether he was referring to his address in the United States or in Mexico City. Relevant to the latter hypothesis, is Sylvia Duran's reported statement in 1967 that she had sexual relations with Oswald. She denied this in 1963 when interrogated by Mexican authorities.

Either on this day or the previous day, Oswald alleged^{ly} got into an argument with the Cuban consul, Asque. This fact was initially brought out in the interrogation of Duran by Mexican authorities immediately after the assassination. It was substantiated by Oswald's letter to the Soviet Embassy in Washington of November 9, 1963, in which he complains about the attitude of Asque. (TAB W) However, in mid-1964, a sensitive source reported that Oswald had also told Asque that he intended to shoot Kennedy. An article in the National Inquirer and the Mexican newspaper, Novedades, reports an interview by a British journalist, Comer Clark, in 1967 with Castro in which Castro said Oswald told Asque that he planned to

shoot Kennedy.* (TAB V)

Oswald may have met with the Soviet Consul, Yatskov, while in Mexico City. Oswald may also have met Vice-Consul Kostikov; Oswald's letter to the Soviet Embassy refers to a discussion with "Comrade Kostin." Oswald easily could have been confused or could have forgotten Yatskov's name, so there seems to be no significance in the fact he met Yatskov.

Nothing is known about Oswald's activities on September 29 or 30 -- although his visa application furnished by the Cubans indicates he wanted to travel to Cuba on September 30. The Cuban documents show his application was not approved until October 27 and then only on the condition that he have a Soviet visa.

On October 1, Oswald telephoned the Soviet Embassy and Consulate about his visa application. He was told there was no further information but a telegram had been sent to Washington. **

CIA documents indicate the October 1 call was a long distance telephone call. One witness, familiar with Mexico City, indicated that calls from suburban sections of the city could be long distance. ***

CIA developed no further information in Mexico City about Oswald until the assassination. But only twenty minutes after

* The Warren Commission Report tends to suggest Oswald did not contemplate assassination until a mid-November slight by Marina.

** The Soviet Ambassador in Washington turned over to the State Department all files in the Washington Embassy and Consulate. There is no telegram or other message from Mexico City.

*** Testimony of David Phillips, February 5, 1976.

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the shooting in Dallas the CIA intercepted a telephone call between Mirabil (Asque's replacement as Cuban consul) and Kostikov. Their conversation is unusual and perhaps was prompted by word of the assassination.* The Jean Daniel report of "When Castro heard the News" indicates Castro received word less than half an hour after the shooting.

Various Cuban and Communist Bloc personnel in Mexico City reportedly said something to the effect that they knew "almost before Kennedy." (TAB W) This possibly means word of Oswald's threat against Kennedy, expressed to Asque, had spread throughout the Communist Bloc establishment in Mexico City before the assassination.

After the assassination CIA received a report from a source, later determined to be prone to exaggeration, that a reporter in Mexico said the Cubans had met Oswald at a restaurant on the outskirts of the city during his visit. The Mexican reporter denied the story to FBI investigators. Employees of the restaurant were interviewed and, after being shown pictures of Oswald and various Cuban officials, stated they could not recall seeing them at the restaurant. (TAB X)

The Mexican authority's arrest of Duran was strongly protested by the Cubans. Even if Cuba had no involvement with Oswald, the Cubans would be concerned about U.S. suspicions. In any event, the Cuban Ambassador met with Duran and reviewed what she had told

* Whether this phone call was made after both were aware of the assassination is not clear. U.S. personnel in Mexico City indicate they did not learn of the assassination for nearly an hour after it occurred. The AP wire carried Merriman Smith's report of the shooting within four minutes and his report "Kennedy seriously wounded perhaps seriously perhaps fatally by assassin's bullet" a few minutes later. (TAB Y)

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the Mexicans. He then summarized what she told him in a report he pouched to President Dorticos of Cuba. On November 26, Dorticos called the Ambassador two different times in order to clarify the report. In both conversations, Dorticos repeatedly asked the Ambassador whether Duran had said anything about giving money to Oswald. Assured that she hadn't, Dorticos concluded the second phone call by asking whether it was safe to act on the information he had. (TAB Z)

Shortly after the assassination, CIA learned of unusual activity on flights to Cuba. First, it was reported that a flight from Mexico City to Cuba on November 22 was delayed some five hours in order to take on an unidentified passenger who boarded the aircraft without passing through customs. No further information was ever received by CIA and no further investigation of the information was ever conducted. (TAB AA)

Second, an American of Cuban birth named Gilbertto Lopez was reported to have travelled from Tampa to Texas where he crossed into Mexico on November 23. On November 25, he arrived in Mexico City and departed on a late evening flight to Havana on November 27. He was the only passenger on the Cubana airlines flight which had a crew of nine.

Information available to CIA also indicated that Soviet couriers were engaged in "unusual" travel between New York, Mexico City, and Havana both before and immediately after the assassination. (TAB) Again, CIA drew no conclusion about this unusual activity.

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3. Major Deficiencies in CIA's Investigation

a. Nossenko

In repeated testimony before the Select Committee, Mr. James Angleton, who was head of CIA counterintelligence for 20 years, emphasized the strange case of the defector Nossenko as a basis for his concern about Warren Commission findings. Nossenko, a high level KGB officer, defected to the U.S. in early 1964. Among other things, he told a story of KGB's belief that Oswald was unstable and of KGB's resultant disinterest in Oswald. Nossenko claimed to have reviewed the complete KGB dossier on Oswald shortly before his defection and assured interrogators that KGB had no connection with Oswald.

Mr. Angleton testified that neither he nor other CIA personnel responsible for Nossenko's interrogation believed him to be telling the truth -- in Mr. Angleton's parlance, Nossenko lacked bona fides. Current CIA counterintelligence officials, who strongly disagree with Mr. Angleton's policies generally, now assert that Nossenko is bona fides. The limited material the Select Committee staff has been able to digest tends to support Mr. Angleton's view. However,

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in the least we have a difference in opinion between the counter-intelligence experts as to the reliability of Nossenko's story.

If Nossenko is not bona fides but is instead a plant, then there is a very troubling question as to why he defected and as to why his story exonerates the KGB. Perhaps his defection was designed to give CIA incorrect information on many aspects of the KGB's operation -- in which case his story about Oswald could still be true. However, there seem to be inconsistencies between his knowledge of the Oswald case and the known information about Oswald. For example, he claimed to have reviewed the entire KGB file on Oswald. Yet he had no knowledge of Oswald's visit to Mexico City other than the bare fact that he went there. He did not tell interrogators, what surely must have been in Oswald's file, that Oswald met Yatskov and Kostikov -- both KGB agents. In any event, the Nossenko defection remains as mysterious now as it was in 1964.

b. Pursuit of the Cuban Connection

With substantial evidence pointing to Cuban involvement in the assassination, CIA would logically have been expected to use its resources to conduct a vigorous investigation of that connection. Just the opposite happened. There is also the possibility that a vigorous investigation was not urged by higher levels.

The Mexico City Station informed Headquarters immediately after the assassination that the Mexican government, like CIA, knew that Oswald had met with Sylvia Duran at the Cuban Consulate. It

* This is the same deficiency in the documents furnished by the Soviet Ambassador.

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further cabled that the authorities planned to arrest and interrogate Duran. Upon learning this Mr. Karamessines, then assistant to DDP Helms, ordered Mr. Whiten of the Mexican desk of the Western Hemisphere Division to telephone the Chief of Station on an open line to call off the arrest. The telephoned order was too late for Duran had already been arrested. However, Whiten apparently did not agree with the order and wrote a memorandum for record stating that he carried out the order despite his personal objection to it. (TAB)

Later that day, a message authorized by Karamessines cautions Mexico Station about the interrogation of Duran because it could jeopardize U.S. freedom on the whole question of Cuban responsibility. We have not as yet deposed Mr. Karamessines or Mr. Whiten about this order, but Mr. Angleton testified he was unaware of it and cannot understand why it was issued.

More importantly, the U.S. Ambassador to Mexico, Thomas Mann, apparently was at this time extremely interested in investigating the role of the Cubans. CIA cables from Mexico reveal he was exerting pressure on CIA, FBI and State Department personnel to investigate the Cuban connection. He proposed that Mexican authorities arrest Maria Louisa Calderon and the Cuban Consul Mirabil. The Chief of Station cabled headquarters about this pressure and warned of the "flap potential" of the Ambassador's continuing along his line of investigation. The Chief of Station is now dead so he cannot explain the meaning of his cable. Clark Anderson, the FBI representative in Mexico City who sat in on meetings with the Ambassador and Chief of Station testified that he was not aware of

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any CIA reluctance to pursue Cuban involvement; and, he expressed surprise that the Chief of Station sent such a message to Headquarters.

Indeed very little is known about the actions of the Cuban diplomatic/intelligence personnel in Mexico City either before or after the assassination. Mr. Phillips, charged with responsibility for Cuban affairs in Mexico City, testified that CIA had "total coverage" of the Cuban diplomatic establishment. Yet asked to explain CIA's failure to have telephone intercepts from the Cuban consulate of the conversations intercepted at the Soviet Embassy, he suggested only that CIA probably had decided not to monitor the Cuban consulate's phones.

Moreover, unlike the Soviet KGB personnel, Cuban intelligence officers were not put under CIA surveillance. Maria Louisa Calderon, who was alleged to have been in contact with Oswald, moved her residence on the afternoon of the assassination and moved into the Cuban Embassy after the arrest of Duran. She returned to Cuba on December 13.

Furthermore, CIA undertook a major review of its Cuban policy immediately after the assassination. In early December, Headquarters first approved and then called off various operations against Cuba by its WAVE station in Florida. WAVE complained about the confusing orders, but Headquarters assured WAVE that everything depended upon the high level review of Cuban/Caribbean policy.

Indeed White House documents of January , 1964, note that previous orders were issued delineating the types of operations that could be conducted pending final decision by the President as to future Cuban policy. (TAB)

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Throughout January, February, and March, review at the White House level continued. Notes of discussions at these meetings are quite detailed, but the AMLASH operation was never mentioned by name, nor so far as we can determine, by even a general description. There is no reference in these notes to the events of the Fall of 1963, although almost every other CIA operation is detailed.

In November 1964, AMLASH was again in contact with CIA through an intermediary and the White House staff was duly informed of this. However, the staff was only told that AMLASH had been working for CIA since 1961 and had provided valuable information. The staff was not told that CIA had met AMLASH in connection with a coup or assassination attempt.

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c. SAS Information on Cuban Groups

As mentioned previously, CIA was engaged in a variety of covert operations against Cuba. At Headquarters, the Special Affairs Staff was responsible for Cuba. The WAVE station in Florida actually carried out the operations. So far as we have been able to determine, WAVE had two major ties to the Cuban exile community. First, it employed exiles in CIA-controlled operations against Cuba. Cuban exiles were used as members of agent teams landed in Cuba and as the crews of boats and aircraft supporting operations. Necessarily, WAVE personnel were actively recruiting Cuban exiles for these operations and probably had a great deal of information about Cuban exile groups.

Second, WAVE apparently had responsibility for liaison contact with the two "autonomous groups" -- one headed by Ray and the other by Artime. Both of these groups had extensive contacts in the Cuban exile community.

Despite WAVE's potential for assisting in the investigation of the assassination -- especially regarding Oswald's connection with Cuban exiles -- WAVE was not directed to give such assistance.

Although the Warren Commission requested FBI to furnish what information it held on various Cuban groups, it made no similar request of CIA. We have not been able to learn why the Commission did not make such a request -- particularly significant in view of the fact that FBI's response noted CIA might have an operational interest in Cuban groups. In any event, a large and possibly fruitful area of investigation, the CIA's ties to Cuban groups, was not investigated by the Warren Commission or the CIA.

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d. Gilberto Policarpo Lopez

As mentioned previously, CIA learned that Lopez crossed the border from Texas into Mexico on November 23. CIA knew that the border had been closed by Mexican authorities immediately after the assassination and reopened on November 23, so such a crossing was itself cause for investigation. Lopez arrived in Mexico City on November 25. He stayed in a hotel until the evening of November 27, when he departed on a late evening Cubana airlines flight to Havana, using a Cuban "courtesy visa" and an expired U.S. passport. He was the only passenger on that flight, which had a crew of nine.

In February 1964, CIA received a report that a source alleged Lopez had received his permit to enter Mexico on November 20 in Tampa, Florida. The same source, apparently an informant for Mexican police, also said Lopez was somehow "involved in the assassination." There is no indication that CIA followed-up on this report.

The FBI did investigate Lopez after receiving CIA's report of his unusual travel. The FBI's investigation terminated after publication of the Warren Report, because Lopez was then in Cuban and so outside the FBI's jurisdiction.

The FBI's reports on Lopez are confusing and very inadequate, but they are the only information we have on him. The following information is taken from those reports.

Lopez applied for a U.S. passport at the U.S. Consul Office in Havana on June 2, 1960. He presented proof that his mother was an

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American citizen although she moved to Cuba with her parents when she was eight months old. She married Lopez' father, a Cuban national, in 1939. Lopez was born in 1940. His mother, in documents submitted with Lopez' application, indicated she planned to remain in Cuba. On July 5, 1960, the U.S. Passport Office authorized the Embassy in Cuba to issue Lopez a passport, but limited its validity to January 25, 1963, the date he would become 23 years old.

Lopez requested Cuban authorities to permit him to return to Cuba on May 15, 1962. Lopez' cousin said Lopez had spent several weeks in Cuba and we assume this was after May 15, 1962.

In August 1962, Lopez married an American woman, 11 years his elder, named Blanche Andrea Leon. They lived in Key West until June 1963, when they moved to Tampa.

In August 1963, his wife moved back to Key West because of marital problems with Lopez. His wife and others characterized Lopez as pro-Castro.

Lopez allegedly told FBI's sources that he had originally left Cuba to evade military service, but Selective Service records disclosed that Lopez registered for the draft on July 29, 1960, at Key West. He was classified 4-F on February 23, 1962, because of a language barrier and because he had a physician's letter stating Lopez had gran mal epilepsy. Nevertheless, some sources told FBI that Lopez had returned to Cuba in 1963 because he feared being drafted. Others attributed his return to his worry about his parents or about his own health.

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It was also reported to FBI that Lopez had a brother in the Cuban military who was studying in the Soviet Union.

On November 17, 1963, according to several sources, Lopez was at a get-together at the home of Mary Quist, a member of the Tampa Chapter of the Fair Play for Cuba Committee, where color slides of Cuba were shown.

[T]here was some talk about Gilberto Lopez having been at the Quist residence for some time waiting for a telephone call from Cuba which was very important. It was understood that it all depended on his getting the "go ahead order" for him to leave the United States. He indicated he had been refused travel back to his native Cuba (TAB)*

On November 20, 1963, Lopez obtained a Mexican tourist card at the Honorary Consulate of Mexico in Tampa. He crossed the border into Mexico at Nuevo Laredo on November 23. Apparently because Lopez was not listed as the driver of any vehicle crossing the border that day, FBI concluded he crossed in a privately owned automobile owned by another person.

On December 10, 1963, at the regular monthly meeting of the Tampa FPCC, a Mrs. Christina Amor told the group that she had telephoned Cuba at 5:00 a.m. and learned Lopez had arrived there safely via Texas and Mexico. On January 16, 1964, Mrs. Amor reportedly said Lopez had borrowed \$190 prior to his leaving for Mexico.

On September 3, 1964, Agapito Gonzalez told FBI that he was acquainted with Lopez. According to Gonzalez, Lopez borrowed \$150 for his travel from Isabel Lopez but repaid only \$25. Another source reported that as of September 1964, Lopez was not working in Cuba and

* President Kennedy made several public appearances in Tampa on November 18.

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spent a great deal of time playing dominoes.

The preceding was the extent of the FBI's and CIA's investigation. So far as we can determine, neither FBI nor CIA told the Warren Commission about Lopez. In responding to the Commission's request for information on the Miami chapter of FPCC, FBI mentioned the Tampa chapter had 16 members in 1961 and was active in May 1963. The FBI response does not mention Lopez or the November and December 1963-meetings.

Moreover, a possible connection between Oswald and the Tampa chapter of FPCC was already indicated. Oswald applied to V. T. Lee, national president of the FPCC, for a charter for a New Orleans chapter. Lee wrote Oswald on May 29, 1963, suggesting Oswald get in touch with the Tampa chapter, which V. T. Lee had personally organized. Thus, the suspicious travel of Lopez coupled with the possibility that Oswald had contacted the Tampa chapter certainly should have prompted a far more thorough investigation than FBI conducted and should have been volunteered to the Warren Commission, regardless of its failure to request the information.

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4. Findings and Conclusions

From the foregoing discussion, we make these findings. The Warren Commission was not aware of the full extent of CIA's covert operations against Cuba, especially the AMLASH operation, which might have greatly affected its investigation into Oswald's Cuban connections. The Nossenko matter was not resolved satisfactorily by the time the Warren Commission went out of existence and it remains unresolved. The CIA's investigation of Oswald's connections with Cuba was, in hindsight, far from adequate. CIA may have possessed relevant information about Oswald and his contacts with Cuban exiles, but CIA apparently neither informed the Warren Commission of this fact nor conducted an independent investigation. Finally, CIA's and FBI's investigation of the substantial and significant information they developed about Gilberto Lopez and their failure to pass any of this information to the Warren Commission constitutes a major flaw in the Warren Commission's investigation.

We conclude from our preliminary investigation that these deficiencies in CIA's investigation of the assassination cast doubt as to the adequacy of the Warren Commission's Report. They also increase the probability that a more thorough investigation would conclude that Oswald acted in concert with others.

Furthermore, we conclude that the deficiencies we have noted in the CIA's investigation of President Kennedy's assassination raise substantial questions about the adequacy of its counterintelligence capability. CIA's apparent inability to collect relevant information

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from sensitive sources and its failure to follow what seem to be substantial leads have not been adequately explained and CIA's compartmentation either prevented its own investigators from having access to all relevant evidence or permitted some at CIA to withhold such evidence.

We also conclude that the system for exchanging counterintelligence information between agencies and confusion of responsibility among the agencies caused substantial problems in investigating the assassination.

Finally, it should be noted that we are not oblivious to the possibility that high-level Government officials may have been informed of relevant evidence, even though it was not provided to the Warren Commission. For example, although we have no evidence that such officials were aware of the AMLASH operation or the evidence pointing to possible Cuban involvement, a major review of Cuban policy was initiated immediately after the assassination, and previous indications of support for AMLASH's proposals were withdrawn after the assassination.

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United States Senate

SELECT COMMITTEE TO
STUDY GOVERNMENTAL OPERATIONS WITH
RESPECT TO INTELLIGENCE ACTIVITIES

(PURSUANT TO S. RES. 21, 94TH CONGRESS)
WASHINGTON, D.C. 20510

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Were there Connections between Oswald and U.S. Intelligence

The Warren Commission investigated the charge that Oswald had in some way been an agent for the U.S. Government and concluded:

Thus, close scrutiny of the records of the Federal agencies involved and the testimony of the responsible officials of the U.S. Government establish that there was absolutely no type of informant or undercover relationship between an agency of the U.S. Government and Lee Harvey Oswald at any time. (WR 327)

Nevertheless, Warren Commission critics have continuously asserted such a relationship existed. For example, it has been claimed that Oswald was an agent for military intelligence and defected to the Soviet Union at its instigation; that Oswald was likewise an agent for CIA; and that he was an agent for or an informant of FBI. Such allegations often cite the rather unusual circumstances of his defection to Russia, his ease in returning to the United States, and the apparent lack of interest in him by U.S. intelligence prior to the assassination.

Indeed we agree these were unusual circumstances and we found no satisfactory explanation for them. For example, despite evidence that the Navy, FBI and State Department were extremely interested in and did determine the precise date and place Oswald would return to the United States he was not interviewed by FBI until three weeks after his return.

We have received testimony from a former CIA employee, Mr. Deneselya, claiming to have read a CIA report of a debriefing of a re-defector, who had been in Minsk and who was either a corporal or captain in the military. We reviewed the cases of other re-defectors

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noting many were debriefed by CIA as well as FBI. And, CIA documents disclose that at least some at CIA had prior to Oswald's return proposed he be debriefed.

Because of CIA's interest in re-defectors and because of the testimony indicating a possible debriefing of Oswald, we conclude that some CIA debriefing of Oswald after his return would be expected. Nevertheless, we have been unable to locate any evidence of a CIA debriefing. The Oswald file at CIA contains no record of any contact, the records of the Domestic Contacts Division (the CIA Division Deneselya alleged to be the originator of the report he saw) denies having any record of a debriefing. At our request, CIA reviewed its data base on Minsk and stated it could locate no information which it could attribute to Oswald.*

While the fact that Oswald was not debriefed by CIA after his return can be construed to suggest he was an agent of U.S. intelligence -- and so not debriefed -- we found no evidence to contradict the Warren Commission's finding that he was not an agent. There is nothing in any of CIA's files we reviewed to suggest Oswald was employed by CIA. Moreover, present CIA officials state they have found nothing, after an extensive search, to indicate he was so

* One CIA employee did recall reading a debriefing of Oswald. He thought he saw it after the assassination. He was shown copies of the three known FBI debriefings of Oswald but could not positively identify any as the report he saw; however, he indicated one report might have been the one he saw. Assuming CIA's denial of such a debriefing is correct, the only explanation for his recollection is that he saw some version of information on Oswald, such as his diary, which CIA acquired after the assassination. (TAB)

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employed. One official observed it is unlikely that anyone currently with CIA is aware of such a relationship with Oswald in light of CIA's attempts to uncover all past questionable activity.*

Furthermore, from the time of Oswald's defection to Russia in 1959 until after the assassination, procedures required CIA be informed of the names of all agents used by any U.S. intelligence agency. This procedure obviously was necessary in order to avoid two agencies using the same individual. For example, Army intelligence was required to clear with CIA the name of any agent it intended to use. CIA is not aware of any agency's circumvention of this procedure. So, the fact that the CIA has no record of Oswald being an agent of U.S. intelligence substantiates the denials by other intelligence agencies that they used him. (TAB)

Thus, with one qualification we conclude Oswald was not employed by CIA or any other U.S. intelligence agency at any time for any reason. We feel it necessary to qualify this conclusion because as will be discussed in more detail, infra, the extreme compartmentation of information within CIA makes it possible for CIA to employ agents without centralized clearance and without records retrievable by anyone other than knowledgeable CIA employees. While we have no reason to believe this possibility is a real one, we cannot discount it. Indeed CIA's compartmentation permits only

* Similar questions were posed by the Rockefeller Commission. CIA's answer was the same. (TAB)

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the Director to have access to all information about all Agency relationships with agents. (TAB) However, Director McCone in 1964 denied, under oath, that Oswald was in any way connected with CIA. (TAB) He remains the only person qualified to make such a flat statement: and we have no reason to doubt its truth.

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Discussion: Alleged Oswald FBI Connections

A. The 1964 Allegation.

On Wednesday, January 22, 1964, J. W. Rankin received a call from the then Attorney General of Texas, Waggoner Carr. Mr. Carr stated that he had received on a confidential basis an allegation to the effect that Oswald was an undercover agent for the FBI since September of 1962 and that he had been paid \$200 a month from an account designated as No. 179. Carr indicated that this allegation was in the hands of the press and defense counsel for Ruby and suggested that his information came ultimately from District Attorney Henry Wade, although he stated that he had not discussed this matter with Wade.

Rankin immediately informed the Chief Justice of these allegations and a meeting of the Commission was called for 5:30 p.m. on Wednesday, January 22, 1964. Rankin then laid out the allegations for the attending members. In response to Senator Cooper's query as to how the Commission could test "this kind of thing," Rankin responded:

It is going to be very difficult for us to be able to establish the facts in it. I am confident that the FBI would never admit it, and I presume their records will never show it.

Rankin later in the meeting informed the Committee:

Secondly, there is this matter too that is a consideration, that is somewhat an issue in this case, and I suppose you are all aware of it.

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That is that the FBI is very explicit that Oswald is the assassin or was the assassin, and they are very explicit that there was no conspiracy, and they are also saying in the same place that they are continuing their investigation. Now in my experience of almost nine years, in the first place it is hard to get them to say when you think you have got a case tight enough to convict somebody, that that is the person that committed the crime. In my experience with the FBI they don't do that. They claim that they don't evaluate, and it is uniform prior experience that they don't do that. Secondly they have not run out all kinds of leads in Mexico or in Russia and so forth which they could probably It is not our business, it is the very

On Friday, January 24, 1964, Rankin and Chief Justice Warren met at Commission headquarters with Attorney General Carr, District Attorney Wade, Assistant District Attorney Alexander, Mr. Jaworski and Dean Storey. They were informed that the sources for the Oswald informant allegations were several reporters, including Houston Post reporter Hudkins.

On Friday evening, January 24, 1964, Rankin was informed that the Secret Service had interviewed Allen Swett, Chief of the Sheriff's Office in Dalles, regarding the Oswald informant allegations. Swett stated that he received the allegation from Alexander. He also mentioned Houston Post reporter Hudkins a source of the information.

All of the above was presented to the full Commission on Monday, January 27, 1964. The transcript reflects the concern of the Commission members with this allegation, and more

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specifically their desire to not offend Mr. Hoover and avoid the appearance of accusing the FBI. Various possible approaches to "running down" the allegations were discussed. It was decided that Rankin would inform Hoover directly of these allegations, and allow the FBI the opportunity to refute the allegations.

On February 6, 1964 Mr. Hoover submitted an affidavit wherein he categorically stated that Oswald was never an informant of the FBI. On February 12, 1964 the Director forwarded to the Commission nine additional affidavits "executed by Bureau personnel of this Bureau who, because of their assignments, would have been responsible for or cognizant of any attempt to develop Lee Harvey Oswald as an informant of the FBI."*

An undated Rankin memorandum states that on or about January 23, 1963 he came across a Secret Service Agent Bertram's report reflecting a 12/10/63 interview of Hudkins. Significantly, the report contains information on Jack Ruby; there is no reference to Hudkins having made any "Oswald informant allegations." However, Bertram reinterviewed Hudkins on December 17, 1963, and he then advised that Allen Swett mentioned "that is was his opinion that Oswald was being paid \$200 a month by the FBI as an informant in connection with subversive investigations, and was assigned the number 172.

* Special Agents Shanklin, Clark, Hosty, Carter, Brown, Howe, Maynor, Quigley and Lynn.. Also submitted was an affidavit of retired S.A. John Fain.

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By letter dated February 11, 1964 Director Hoover informed the Warren Commission as to the Bureau's interview with Hudkins. Hudkins told the FBI that a government official (not a federal official in Dallas) had told him that Oswald was on the payroll of either the FBI or CIA with voucher number 179 and that he had received no less than \$150 a month and no more than \$225 a month." Hudkins further stated that Philadelphia Inquirer reporter Joseph Golden had also mentioned to him that Oswald was an FBI informant, but with a voucher number different from 179. (The FBI report on their interview with Golden states that Golden declined to identify his source beyond stating that he "had obtained the information from a law enforcement officer in Dallas."

Not surprisingly, Hudkins' version of the events differed from that set forth in the FBI report and is succinctly set forth below.

Hudkins testified that on or about January 3, 1964, he visited Allan Sweatt at the Dallas sheriff's office and was told that FBI agent Vicent Drain -- who was then with the Chief Criminal Deputy -- had been trying to find him. Hudkins met with Drain and another FBI agent (name unknown), and told them in no uncertain terms that No. S-172 was made up (i.e., it never existed). Hudkins explained that Hugh Aynesworth and William Alexander, and he had "made up" the informant story during their three-way telephone conversation in early December

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as a means of determining whether any of their telephones were being tapped. According to Hudkins, within thirty minutes of this conversation an FBI agent from the Houston office (name unknown) dropped by his office and asked whether he had heard anything about Oswald having a payroll number. Hudkins further testified that similar occurrences took place at both Alexander's and Aynesworth's offices. Hudkins stated that he could not understand "why the Bureau let the Warren Commission go through all that crap about Oswald being an FBI informant."

Following up on the new version of Hudkins' allegations, the staff spoke with Messrs. Alexander and Aynesworth who both unequivocally deny Hudkins' version of the phone call and alleged subsequent FBI agent visits to their respective offices. In response to a document request, the Bureau assured us that they have no materials indicating that Hudkins was interviewed and/or contacted by the FBI prior to February 8, 1964. The staff concluded that there was no basis for any further investigation of Hudkins' specific allegations.

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B. MORE RECENT ALLEGATIONS: STAFF REVIEW

On January 22, 1964, the allegation that Oswald was an FBI informant was brought to the Commissioner's attention by Texas officials. The manner in which the allegation came to the Commissioner's attention and the Commissioner's subsequent inquiries are treated in detail in the preceding section. J. Edgar Hoover and John McCone each presented the Commission with an affidavit, wherein they unequivocally denied that Oswald was ever, at any time, in any way, shape or form, associated with or employed by their respective agency. Similar affidavits of S. A.s Shanklin, Clark, Hosty, Carter, Brown, Howe, Maynor, Fain, Quigley, and Lynn were also submitted to the Commission.

More recently, in sworn Committee testimony, S.A.s Hosty and DeBrueys denied any Bureau relationship with Oswald. Although the staff is not permitted to physically review raw FBI files, in response to explicit Committee requests the Bureau has informed us that they have no documents indicating that Oswald was ever a Bureau "source, informant, agent or asset."

A recently reviewed March 1964 FBI memorandum recounts a conversation in which White House aide Walter Jenkins advised Assistant Director Cartha DeLoach that an FBI agent, transferred to Dallas from New Orleans in January 1964, had told a close personal friend that Oswald had been an FBI informant. The documents reviewed by the staff did not indicate what, if any, inquiries the

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Bureau made as a result of this allegation. By letter, dated February 12, 1976, we requested delivery of all such materials from the Bureau.

On January 17, 1976, we interviewed a former FBI agent whose assignment to the Bureau's Kansas City auto-theft squad overlapped with Hosty's for some three months in late 1964 and early 1965. This ex-agent is positive that Hosty told him that both Hosty and the Dallas Agent who had handled the Oswald case prior to Hosty [i.e., John Fain] had attempted to develop Oswald as a potential security informant ("PSI"). More specifically, the agent quoted Hosty as stating:

Hosty told us that [Fain] had had no contact with Oswald, and that one of the last acts the older agent did before he retired was to deactivate the Oswald file as a PSI. When Hosty came into his new job in Dallas, he decided to reopen the Oswald file as PSI. Hosty commented that as part of his effort to reopen the Oswald matter, he left notes at Oswald's apartment, urging him to get in touch with the FBI. I recall Hosty commenting that although he had listed Oswald as a PSI, he had not had any contact with him.

The agent also supplied us with the names of certain other agents in the squad to whom he believes Hosty also made these statements. In a recent staff interview, one of these agents denied these accusations; however, he is, by his own admission, a close friend of Hosty's. The sworn testimony of another named agent will be

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taken on February 17, 1976.

There are numerous facts in the record which raise the issue of Hosty's real relationship with Oswald. We know that approximately two weeks before the assassination, Oswald left a note for Hosty at the FBI's Dallas Field Office, asking him to stop bothering his wife. (See discussion, infra, at). Marina was interviewed by Hosty four days after the assassination. She refused to answer his questions and accused Hosty of having harassed her in his previous interviews; her undisguised hostility and anger toward Hosty on that occasion, like that of Oswald himself when Hosty appeared at the interrogation session right after his arrest, is surprising if Hosty only visited the Paine home twice and these visits were as innocuous as he, Marina and Ruth Paine all testified. Indeed, the documents reveal that not even J. Edgar Hoover could understand why Hosty visited the Paine house a second time on November 5, 1963, to again ask for Oswald's home address, when he had learned five days earlier that Oswald worked at the Book Depository. You are aware that Hosty's name, office address, and office telephone, and automobile license plate numbers were in Oswald's notebook.*

* You are also aware of the explanations offered by Hosty and Marina for the Hosty information being in Oswald's notebook. Interestingly enough, the Bureau initially failed to inform the Commission of these entries; an omission subsequently explained in the affidavit of SA Gemberling. The staff has not reexamined the circumstances surrounding that incident.

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The staff has reviewed documents and received testimony reflecting the intense pressure on agents to develop informants. The emphasis was first on quantity, second on quality. Agents have also told us that contrary to established procedures many agents would not report initial contacts and/or attempts to develop an informant; even if they did report it, however, 1963 FBI procedures initially required only the permission of the Special Agent in Charge. Thus, between the time of the decision to develop a person as a PSI and the initial contact, there would be no documentary record on the person at headquarters; there would only be a single sheet of paper in the field offices' 134 file that would not be cross referenced into any other file (such as the Security File the Dallas office had on Oswald).

Finally, William Walter -- the ex-FBI file clerk who claims to have seen a November 17, 1963, teletype which stated that a revolutionary group might attempt to assassinate President Kennedy in Dallas (see discussion, infra, at) -- also claims to have seen an informant file on Oswald in the New Orleans field office. However, as noted above, both SAs Kaack and DeBrueys have told us that Oswald was not an informant of the Bureau in New Orleans; similar statements were made by SAC Maynor and SA Quigley in affidavits submitted to the Warren Commission. Recently, Walter himself admitted to the staff that the file he thought was an informant file might well have been Oswald's security file.

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ALLEGATION: THAT A NOVEMBER 17, 1963, BUREAU TELETYPE ADVISED OF THREAT THAT PRESIDENT KENNEDY WOULD BE ASSASSINATED IN DALLAS

- A. The Bureau's Documentary Record

William S. Walter, a former security clerk in the New Orleans FBI Office told Mark Lane, in early January of 1968, that on the morning of November 17, 1963, while on duty, he received a teletype message which was directed to all southern field offices of the FBI. The message reportedly stated that a "militant revolutionary group may attempt to assassinate President Kennedy on proposed trip to Dallas, November 22, 1963." Walter claimed that he had called the SAC and informed him of the message. Lane publicly revealed this information later in January, 1968, during an appearance on the Johnny Carson television show.

On February 1, 1968, Walter denied to the FBI that he had ever received or saw such a teletype or message. However, on March 9, 1968, Walter's attorney contacted the U.S. Attorney's Office in New Orleans, to determine if Walter would be in violation of Federal law if he testified before a State grand jury and divulged information gained during his employment with the FBI. Subsequently, on March 15, 1968, the attorney and Walter advised that he had received such a teletype as described above, while working the midnight to 8 a.m. shift on November 17, 1963. He said he "probably" notified SAC Harry G. Maynor of receipt of the teletype, since that was routine procedure. Walter said he did

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not have a copy of the teletype, he did not give a copy to Lane, and he did not know who would have a copy.

The Bureau reinterviewed Walter again on March 26, 1968. He insisted that he did receive such a teletype, and that there were other clerical employees of the New Orleans Office who knew of it, but he refused to identify any of them.

SAC Harry G. Maynor denied any knowledge of such a teletype, as did all special agents and clerical personnel in New Orleans, in March 1968, who were there in November 1963. A summary of the Bureau's search of its 1968 headquarters records revealed that no such communication between November 1 through November 22, 1963, was found. Similarly, all southern FBI field offices responded negatively to a Bureau search slip.

On May 8, 1968, the Bureau learned from one of Garrison's investigators that Walter had told Garrison that he had a copy of the teletype. The Bureau immediately reinterviewed Walter. He denied having a copy of the teletype.

The Bureau and the Department of Justice concluded that the Walter's teletype allegation was false. However, the Department's recommendation that Walter be prosecuted for supplying false information to a Government official was, for a reason not reflected in the documentary record, never followed up.

The investigation of the alleged teletype remained dormant until September 9, 1975, when Tom Johnson, Publisher, Dallas Times

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Herald, related to Director Kelley and Assistant to the Director Adams, an allegation he recently received, which allegation, in essence, restated Walter's claim. Although Johnson refused to identify his source, the Bureau assumed "it could only be Walter." (Coincidentally, Johnson was the newsman who had initially contacted the Bureau on the destruction of the Oswald note.)

On September 17, 1975, Johnson orally furnished the Dallas field office with what he had been informed was the wording and format of the November 17, 1963, teletype. [A copy of this alleged teletype is attached at Tab c.] The conclusion reached by the FBI's Communications Section was that numerous inconsistencies in the teletype (i.e., deviations from the Bureau's standard format and normal practices "indicated that it was contrived or reconstructed from memory." However, the Communications' analysts did note two caveats: (1) that the errors might be attributable to the dictation, and; (2) it is "not inconceivable that a series of coincidences could have resulted in a message similar to that presented." The Bureau interviewed all living personnel -- agents and clerical -- who were in the New Orleans office in November, 1963. All denied knowledge of the teletype. The Bureau also interviewed the headquarters' communications clerk, whose initials allegedly appeared on the teletype; he, unequivocally, under oath, denied sending it. The Bureau's stated investigative conclusion

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was that no such teletype had been sent.

On September 22, 1975, Johnson told Adams that his source (assumed by the Bureau to be Walter) was extremely concerned over possible prosecutive action in the event he made available an actual copy of the teletype. Adams requested and received authorization to inform Walter that he would be granted immunity for "purloining, possessing, or not previously making available this alleged stolen document." Adams immediately informed Johnson, and a conference call was arranged between Johnson, Walter, and Adams. Adams' memorandum reflects that even after the offer of immunity, Walter denied having the teletype. Adams noted, "He's playing games with us."

B. Discussion

No information was ever made available to the Warren Commission which indicated that the Bureau had received information that an attempt on the President's life would be made by any group or person, in Dallas, Texas. If the alleged November 17, 1963, teletype had, in fact, been sent, it is perfectly clear that the information which prompted the teletype's dispatch had been withheld from the Commission.

Walter told us that he did receive such a teletype and definitively informed SAC Maynor of this fact. He identified certain other New Orleans' ex-FBI clerical personnel whom he knew had seen this teletype. However, both the Bureau and Robert Fink

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of the House Government Operations Subcommittee had interviewed these clerical personnel and been informed that they had neither seen nor heard about the alleged teletype. Indeed, they were among the New Orleans' FBI personnel that had made such denials in sworn affidavits furnished to the Bureau during the course of its internal investigation.

Although the copy of the alleged teletype that the Bureau's Communications Section had critically reviewed had not been supplied by Walter, and Walter's stated version of the teletype appears to eliminate the discrepancies in format noted by the Bureau, Walter admitted that his experience in handling teletypes would allow him to fabricate a perfect one if he desired to do so.

Conclusion:

The staff did not conduct an independent investigation of the Walter allegation. Each of the Bureau's New Orleans's personnel who were in a position where they were likely to have been made aware of the teletype have denied any knowledge of it under oath. Similar denials have been made by headquarter's personnel.

The Bureau's investigation of the teletype allegation appears to have been exhaustive; the staff has uncovered no evidence which suggests that the Bureau's investigative findings and conclusions are impeachable.

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Allegation: That the FBI and/or the Secret Service
Withheld Information Relating to J. A. Milteer's
Threat to Assassinate President Kennedy.

The documentary record available to the Committee reveals that National States Rights Party member J. A. Milteer asserted during a November 9, 1963 conversation that President Kennedy would be assassinated by someone using a high-powered rifle from the window of a tall building, that Jack Brown of Chattanooga, Tennessee, was a man who might do the job and "that afterward officers would leave no stone unturned trying to find the killer, they will pick up someone within hours afterward just to throw the public off." This conversation was recorded by Miami Police Department informant William Sommerset, and verbatim transcripts were disseminated to the Secret Service and the FBI on November 11, 1963. However, the reports provided the Warren Commission neither recounted that the threat had been recorded nor the specifics of the threat. Thus, the Commission had no reason to distinguish this threat from the hundreds of unsubstantiated allegations that poured into the Bureau subsequent to the assassination.

On November 26, 1963, Sommerset provided additional information on Milteer, the reliability of which was established by the tapes of a November 23, 1963 conversation. On that date, Milteer was in the Union Train Station, Jacksonville, Florida,

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where he stated that he was jubilant over the death of President Kennedy, that he had stopped in Dallas on an automobile trip through southern cities, and that everything had run true to form. Milteer further stated that:

I guess you thought I was kidding you when I said he would be killed from a window with a high-powered rifle.

On December 1, 1963, two FBI agents interviewed Milteer in Quitman, Georgia. According to their report:

Milteer emphatically denied ever making threats to assassinate President Kennedy or participating in such threats. He stated he has never heard anyone make such threats. He also denied ever having visited Dallas, Texas.

The Bureau documents we reviewed -- which documents we were told represented all FBI materials gathered on Milteer during the course of the assassination investigation -- revealed that on the basis of Milteer's statements to the agents, and information indicating that Milteer was in Quitman, Georgia on November 22, 1963, the Bureau conducted no further investigation of Milteer or his known associates, one of whom was Don Burros [whose name was found in Oswald's notebook].

The Secret Service response to the November 9, 1963, Milteer threat is also instructive. By letter, dated January 9, 1976, the staff posed to the Secret Service certain questions relating to Milteer and the President's November 1963 Miami and Dallas trips. In summary, the Service acknowledged receipt of a transcript of the tape, and the fact that further investigation

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of certain named persons associated with right wing groups had been predicated upon receipt of the "Milteer information." They assert that this investigation established that none of these persons were in the Miami area on November 18, 1963.

Interestingly enough, the Secret Service response to the question of whether Milteer's threat was considered in connection with the President's visit to Dallas on November 22, 1963, was not that they conducted a similar investigation in Dallas but that:

In the absence of any information from the FBI to indicate any of the Milteer connected individuals were coming to, or were present in, Dallas, this particular case was not considered critical.

This response is surprising in that there is no record that the FBI was monitoring the activities of any of the named persons on anything approaching a daily basis or that -- with the exception of Milteer himself -- the Bureau had information indicating that any of these persons constituted a threat to the safety of the President, a prerequisite at that time to the dissemination of FBI information to the Secret Service.*

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* The record does establish that the name of one known member of a right wing group in the Dallas area was provided to the Secret service by the FBI. However, he was not one of the "Milteer connected" individuals.

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Allegation Re: Windshield of the Presidential Limousine

The staff's initial review of Warren Commission materials raised the issue of whether the front windshield sent to the FBI laboratory for examination (and later admitted into evidence by the Warren Commission) was the same windshield as the one on the limousine at the time it was returned from Dallas to Washington on the evening of the assassination.

The Presidential limousine was flown from Dallas to Washington and driven to the White House garage late in the evening of November 22, 1963. Secret Service Agent Charles E. Taylor had been assigned responsibility for the security of the limousine upon its arrival at Andrews Air Force Base; he rode in the front passenger seat while the car was driven to the White House garage. Taylor observed the three and one-half hour examination of the limousine conducted by five FBI experts between 2 a.m. and 5 a.m. on November 23, 1963. His report, dated November 27, 1963, contains the following language:

Of particular note was the small hole just left of center in the windshield from which what appeared to be bullet fragments were removed.*

Secret Service Agents Davis and Eies were also present for the FBI examination; their respective reports stated that they noticed the damage to the front windshield when the car arrived at the White House garage, that both of them ran their hands over the outside of the windshield and found it to be smooth and unbroken, and that

* The windshield represented to be the one removed from the Presidential limousine is presently stored at the National Archives. Staff examination revealed that this window has an internal defect just left of center; there is no hole.

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damage to the windshield was entirely to the inside surface.*

On November 26, 1963 the windshield was removed from the limousine and stored at the White House garage. In March 1964, at the request of the Warren Commission, the Secret Service delivered the windshield to the Bureau. The windshield was subsequently examined at the FBI laboratory; this examination and the prior examination of the limousine were the subjects of FBI lab inspector Robert A. Frazier's testimony before the Warren Commission. (Vol. V, p. 69). In response to a question posed by Commission counsel Arlen Specter, Mr. Frazier stated "I prepared the formal report of the entire examination of the limousine." (Vol. V, p. 69) A Life Magazine article in the November 25, 1966 issue quotes Specter as stating:

One of the most impressive pieces of evidence, says Specter, is the FBI report on an examination of the limousine. It concludes that no part of the car's interior was struck by a whole bullet.

Despite a specific Commission request on March 18, 1964 for "the report on the examination conducted by the FBI on the President's automobile on November 23, 1963," the staff has not been able to locate any such report in the Warren Commission files. Indeed, the FBI recently informed this Committee that they could not find any report reflecting the examination; they were able to locate four pages of the examiner's handwritten notes.** Neither Agent Frazier nor any other Bureau employee has been able to examine

* FBI photographs of the windshield allegedly taken during the course of this examination of the limousine do not establish one way or the other whether there was a hole in the windshield.

** These handwritten notes mention an internal defect in the windshield just left of center. Lead tracings were removed from the inside of the windshield at this point.

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The staff interviewed Secret Service Agent Taylor on December 10, 1975. On that occasion Taylor was positive that there had been a hole through the windshield. He stated that a pin could definitely be inserted through this hole from one side of the windshield to the other. However, the staff was not convinced that Taylor had actually had the opportunity to examine what he believed to be a hole. With Committee staff present, Taylor recently examined the windshield at the Archives. He stated that the windshield was as he had seen it in 1963; i.e. contrary to his report, there was an internal defect and not a penetration. The staff subsequently prepared an affidavit and forwarded it to the Secret Service for Mr. Taylor's review and signature.

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ALLEGATION: OSWALD DELIVERED A NOTE TO THE BUREAU'S DALLAS FIELD
OFFICE SOME TWO WEEKS PRIOR TO THE ASSASSINATION

On or about July 2, 1975, Thomas Johnson, of the Dallas Times Herald, advised recently retired Dallas SAC Gordon Shanklin that an individual, whose identity he could not reveal, had told him that Oswald had visited the FBI office in Dallas sometime prior to the assassination; that Oswald left a note -- allegedly threatening in nature -- for the Agent who had been handling the Bureau's investigation of Oswald; and that neither Oswald's visit nor the note was reported prior to or following the assassination of President Kennedy. Shanklin advised that Johnson should contact the Bureau directly, and suggested Assistant to the Director James Adams.

On July 7, 1975, Johnson met in Washington, DC, with Adams and Director Kelley repeating the aforementioned allegations. The Attorney General was advised of the allegations on July 8, 1975, and informed that the Bureau intended to conduct an inquiry regarding them.

On July 8, 1975, a conference was held in Director Kelley's office. In attendance, in addition to Mr. Adams, were Gordon Shanklin (former SAC Dallas),* Theodore Gunderson (SAC Dallas),

* In that Shanklin had recently retired from the Bureau and the alleged destruction of the note involved the field office of which he had been in charge, his attendance at the meeting is surprising.

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S.A. William Nettles (who has assigned to him the assassination case), and Harold Bassett (Assistant Director in Charge of the Inspection Division). The handling of the investigation was discussed, and Bassett was assigned personal responsibility for handling it.

The Bureau's initial file review did not develop any information indicating that Oswald had ever visited the Dallas Office of the FBI or that he had left a note. Initial interviews of personnel assigned, in 1963, to the Dallas field office did establish that:

- (1) Lee Harvey Oswald did, in fact, visit the office some two or three weeks prior to the assassination;
- (2) That Oswald asked to see S. A. James Hosty, and upon being informed that he was not in, left a note for Hosty;
- (3) That the note was destroyed after assassination.

However, the FBI's investigation failed to establish:

- (1) whether the note was threatening in nature;
- (2) at whose instruction the note was destroyed;
- (3) the motives behind the note's destruction.

As to the wording of the note, accounts vary. The receptionist recalled that the note read as follows: "Let this be a warning. I will blow up the FBI and the Dallas Police Department if you don't

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stop bothering my wife. Signed - Lee Harvey Oswald."

Hosty recalled its wording as, "If you have anything you want to learn about me, come talk to me directly. If you don't cease bothering my wife, I will take appropriate action and report this to proper authorities."

Hosty's supervisor -- Kenneth Howe -- who claimed to have seen the note, said that he seemed to recall it contained some kind of threat but could not remember specifics.

Aside from these three persons -- the receptionist, Agent Hosty, and Agent Howe -- no one else who was interviewed by the Bureau admitted having seen the note. Some indicated they understood that the note contained a threat; however, this was hearsay knowledge, having come primarily from conversations they had had with the receptionist.

In attempting to determine what action was taken regarding the note, the FBI learned that Hosty had placed the note in his workbox -- where it remained until the day of the assassination. Hosty participated in an interview of Oswald at the Dallas Police Department on the day of the assassination and returned to the Field Office about an hour later, at which time he was called into Shanklin's office. Howe was in the office along with Shanklin, one of them displayed the threatening note and asked Hosty to explain its contents.

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By Hosty's account, he told them he had interviewed Marina Oswald and Mrs. Paine on November 1, 1963; and that when he participated in the interview of Oswald at the Dallas Police Department, Oswald, upon learning his name, commented that he was the one who was talking to and bothering his wife -- that if the Agent wanted to know something about Oswald he should have come and talked to Oswald himself.

At this point, Hosty claims that Shanklin ordered him to prepare a memorandum setting forth the information regarding the note and his interview with Marina Oswald and Mrs. Paine. He stated that he did prepare such a memorandum, three or four pages in length, and delivered it to the Shanklin on the evening of November 22, 1963.

The secretary to whom Hosty claims to have dictated this memorandum was interviewed by the Bureau. She said she had no recollection of the memorandum.

Agent Howe said that it was he who found the note in Hosty's workbox very soon after the assassination of President Kennedy. He stated that he took the note to Shanklin's office, but had no recollection where the note may have gone or who may have had it thereafter. He has no knowledge of the disposition of the note.

According to Hosty, approximately two hours after Oswald had been pronounced dead on November 24, Howe told him that Shanklin

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wanted to see them. Hosty claims that upon arriving in Shanklin's office, he was instructed by Shanklin to destroy both the note and the November 22 memorandum regarding it. Hosty states that he complied with these instructions by flushing them down the toilet.

Shanklin denies having any knowledge of Oswald's visit to the Dallas Office or of Oswald's leaving a note there. He maintains that he did not issue any orders to destroy the note. In fact, he claims that he had no knowledge of this entire matter until July 1975.*

The personnel who were assigned to the Dallas Office in November 1963, and who have admitted personal knowledge of the Oswald visit and note, have denied having any knowledge that the facts of this matter were brought to the attention of FBI Headquarters.

However, William Sullivan, who was an Assistant Director at the time of the assassination, has stated that he discussed the Oswald case many times with Shanklin, and that Shanklin mentioned on one occasion that "he had an internal problem involving one of his Agents who had received a threatening message from Oswald because the Agent was investigating Oswald." Sullivan recalls that Shanklin seemed disinclined to discuss the matter other than to say

* Ural Horton -- a recently retired Special Agent -- in an affidavit submitted to the Bureau, swore that he mentioned the note and the destruction to Shanklin in August 1974.

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he was handling it as a personnel problem with Assistant to the Director, John P. Mohr. Mohr has denied under oath any knowledge of the note or the destruction. Similarly, all other living Bureau officials in the chain of command of the two investigative Divisions which supervised the Kennedy assassination case, each furnished the Bureau with sworn statements denying any knowledge of this matter.

Neither staff review of Bureau documents nor interviews of Messrs. Hosty and Shanklin has clarified any of the above noted factual discrepancies. It is obviously important that we determine to our own satisfaction whether or not the existence and destruction of the Oswald note were known to persons at Bureau headquarters, as Bill Sullivan alleges. However, in that the Bureau has admitted receipt and destruction of the note, resolution of this secondary issue is not directly relevant to the primary focus of our inquiry. If time allows, the staff intends to take the necessary investigative steps.

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Identification of Areas Not Investigated

Our conclusions and recommendations are necessarily affected by the limited scope of our investigation. As noted in the introductory paragraphs, our investigation principally focused on two questions: (1) whether the intelligence agencies provided the Warren Commission all available evidence, and (2) whether the assassination investigation was adequate.

The Select Committee made no attempt to investigate any of the following: (1) the physical evidence, such as weapons, trajectories, location of wounds, photographic evidence, autopsy data, the Zapruder film, etc.; (2) suspicions that Jack Ruby was part of a conspiracy to silence Oswald and Ruby's connections to various groups; (3) suspicions that Oswald was part of a conspiracy involving organized crime; or (4) suspicions that right-wing or white hate groups were involved in the assassination.

The Select Committee is aware that such areas of investigation might be fruitful; however, a conscious decision was made not to overextend its authority or the limited time and resources it had for the purpose of looking into these areas. Thus, except to the extent that the intelligence agencies possessed relevant information in these areas and withheld it from the Warren Commission, the Select Committee has not considered these matters.

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